

**JOURNAL**  
OF THE  
**HOUSE OF REPRESENTATIVES**  
OF THE  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF ALABAMA;**

BEGUN AND HELD IN THE TOWN OF HUNTSVILLE,  
ON THE FOURTH MONDAY IN OCTOBER,

IN THE YEAR OF OUR LORD  
ONE THOUSAND EIGHT HUNDRED  
NINETEEN :

AND OF AMERICAN INDEPENDENCE THE FORTY-FOURTH

*It being the first Legislature held conformably to  
the provisions of the Constitution.*

**W. HAYES,**

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**1829.**

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# JOURNAL

*Of the House of Representatives of the General Assembly of the State of Alabama, begun and held in the town of Huntsville, on the fourth Monday in October, in the year of our Lord one thousand eight hundred and nineteen, and of American Independence the forty fourth, it being the first Legislature held conformably to the provisions of the Constitution.*

The following members of the House of Representatives appeared, produced their necessary credentials and took their seats—to wit:

*From the county of Autauga,*

Philips Fitzpatrick, Charles A. Dennis.

*From the county of Blount.*

John Brown, Isaac Brown, & Benjamin Matterson

*From the county of Cahawba—Jonathan Jones*

*From the county of Clarke,*

Wm. Murrell, and G. M. Creagh.

*From the county of Conecuh,*

Wm. Lee, and Thomas Watts.

*From the county of Cotaco,*

Melajah Vaughn, and John M'Carley.

*From the county of Dallas,*

Edwin D. King, and James Saffold.

*From the county of Franklin,*

Temple Sergeant and Anthony Winston.

*From the county of Lauderdale,*

Thomas Gerrard and Jacob Byler.

*From the county of Limestone,*

Nicholas Davis, James W. Exum and Wm. Whitaker.

*From the county of Marion—Silas McBee.*

*From the county of Madison,*

Samuel Walker, Epps Moody, J. G. Birney, Samuel Chapman, Griffin Lanikin, John L. Towns, Frederick Weedon and Isaac Wellbourn.

*From the county of Monroe,*

James Dellet, Wm. Bates, Pascal Harrison and George W. Owen.

*From the county of Montgomery,*  
John Edmundson, Joseph Fitzpatrick and Larkin  
Cleveland.

*From the county of Lawrence,*  
Lewis Dillahunt and Samuel Bigham.

*From the county of Shelby,*  
Jesse Wilson and Arthur Taylor.

*From the county of St. Clair—*James Hardwick.

*From the county of Tuscaloosa,*  
James Hill, Hardin Perkins and Julius Simms.

*From the county of Washington,*  
John F. Everett and James Thompson.

A quorum consisting of a majority of the whole number of members being present, the house proceeded to the choice of chairman.

Whereupon, Philip Fitzpatrick of Autauga county, was duly chosen, and was accordingly conducted to the chair.

On motion resolved, that this house do now proceed to the appointment of Speaker, whereupon James Dellett Esq. a member from the county of Monroe, was duly elected and conducted to the chair, from whence he made his acknowledgments to the house.

On motion resolved, that this house do now proceed to elect a clerk—whereupon Jonas J. Bell was duly elected.

On motion of Mr. Everett, resolved that the house proceed to elect an engrossing clerk, when on counting the votes, it appeared that E. M. Tate was duly elected.

On motion of Mr. Vaughn, resolved, that the house proceed to the election of a door-keeper, and on counting the votes it appeared that Daniel Rather was duly elected.

On motion of Mr. Moody, resolved, that this house appoint a committee of three for the purpose of drafting rules for the government of this house—whereupon, George W. Owen, James G. Birney and Saml. Chapman were appointed.

On motion of Mr. Vaughn, resolved, that the rules

of the Legislature of the Alabama Territory, be the rules of this house until the committee make report.

On motion ordered, that this house do now adjourn till tomorrow morning 10 o'clock.

Tuesday 26th October.

The house met pursuant to adjournment.

On motion of Mr. Everitt, resolved, that the clerk of this house inform the senate, that this house of representatives have formed a quorum, chosen the hon. James Bellett, of Monroe county, their speaker, Jonas J Bell, clerk, and Daniel Rather, door-keeper, and are now ready to proceed to business.

On motion of Mr. Owen, resolved, that a committee of two members be appointed to wait on his excellency the governor, with such committee as may be appointed for that purpose, by the senate, and inform him that a quorum of both houses have met, and are now ready to receive any communication he may please to make—*whereupon*, messrs. Owen and Townes, were appointed.

Ordered, that the clerk inform the senate thereof.

A message from the senate, by their secretary Mr. Rogers.

I am instructed to inform the house of representatives, that the senate has met and elected the hon. Thomas Bibb, their president, Thomas A. Rodges, secretary, and John R. Dunn, door-keeper, and are now ready to proceed to business.

On motion of Mr. Lamkin, resolved, that the house of representatives, in conjunction with the senate, (the senate concurring therein) will on Wednesday, the 27th of the present month, proceed to the election of two senators, for the state of Alabama, in the congress of the United States.

Ordered, that the clerk inform the senate thereof.

Samuel Dale, of the county of Monroe, and Thomas Carson of the county of Baldwin, appeared, produced the necessary credentials, and took their seats.

A message from the senate, by their secretary Mr. Rogers.

I am instructed to inform the house of representatives, that the senate have appointed messrs. Farmer and Casey, a committee to act with such gentlemen as your hon. body may think proper to appoint, to wait on his excellency the governor, and inform him the general assembly have convened, and are ready to receive any communication he may think proper to make them.

On motion of Mr. Weedon resolved, that the following standing committees be appointed, viz.

A committee of accounts.

A committee of elections.

A committee of ways and means.

A committee of claims.

A committee of propositions and grievances, and

A committee of enrolled bills.

Whereupon, messrs. Berney, Everitt and Perkins, were appointed a committee of ways and means—messrs. Cleveland, King, Philips Fitzpatrick, were appointed a committee of elections—messrs. Davis, Edmundson, Gerrard, Hill and Hardwick, were appointed a committee of claims—messrs. Lee, Watts and Wellbourn, were appointed a committee of accounts—messrs. Walker, Whitaker and McCarley, were appointed a committee of propositions and grievances—messrs. Vaughn, Sims and Jones, were appointed a committee of enrolled bills.

On motion of Mr. Davis.

Resolved, that a committee of three members, be appointed from this house, with such committee as may be appointed by the senate, to examine and report the most eligible and convenient rooms, that can be obtained, for the accommodation of both houses of the general assembly, as well as the terms on which rooms can be had. — Whereupon, messrs. Davis, Vaughn and Winston, were appointed a committee on the part of this house.

Ordered, that the clerk inform the senate thereof.

On motion of Mr. Vaughn, the house adjourned until 3 o'clock.

The house met pursuant to adjournment.

On motion of Mr. Dillahunty, resolved, that the committee of privileges and elections, be instructed to examine the evidence of elections of the members of the general assembly, and report previous to the time appointed for the election of senators from this state to the congress of the United States.

Mr. Birney presented the petition of sundry inhabitants of the town of Trienna, praying an act of incorporation.

Whereupon, on motion it was refered to a select committee, consisting of messrs. Birney, Fitzpatrick, of Montgomery, and Dillahunty.

On motion of Mr. Everitt, resolved, that a committee of three on the part of this house, to join such committee as may be appointed by the senate, in making a contract for printing the laws and journals of each house of the general assembly, together with such other printing as may be required,

Whereupon, messrs. Everitt, Harrison and Saffold, were appointed.

Ordered, that the clerk of this house, inform the senate thereof.

A message from the senate, by Mr. Rogers their secretary.

I am instructed to inform the house of representatives that the senate have adopted the following resolution, in which they ask your concurrence.

Resolved, that the senate disagree to the resolution of the house of representatives, relating to the day appointed for the election of senators to the congress of the United States, and that they will proceed to said election on Thursday next, at 12 o'clock, in the hall of the house of representatives, to which they ask your concurrence.

On motion of mr. Everitt, resolved, that this house concur with the senate, respecting the time of holding the election, for senators to the congress of the United States.

Ordered, that the clerk of this house inform the senate thereof.

A message from his excellency the governor, by Mr. Walker, which being read by the speaker as follows.

Gentlemen of the senate and of the house of representatives, your present meeting will form a memorable epoch in our history, chosen to perform the first acts of legislation, for the state of Alabama, you cannot estimate too highly the great interests committed to your charge, or the important consequences which may flow from your deliberations. The people have framed a constitution which recognizes and establishes the essential principles of liberty; prescribes the manner in which the government shall be organized; and designates the powers which shall be exercised by the respective departments. To the legislature, is confided the arduous task of completing the edifice, and of enacting laws for the protection of the rights of persons, and of property, and for the advancement of the general welfare. Never has any state commenced its operations under more auspicious circumstances, or furnished stronger evidence in the outset of its capacity for self government; and I cherish the hope that the character of our institutions will receive an impulse from your labours, which may entitle you to the lasting gratitude of future ages.

Our country is remarkable for its natural advantages; and we possess the means of rendering it distinguished for the intelligence and moral habits of its citizens, and for the enlightened policy of its councils, the diffusion of knowledge among the people; a code of laws, adapted to the prevention of crimes, and the enforcement of the civil duties, expounded and executed by men selected for their wisdom and integrity; and a due regard to the improvement of those blessings which we owe to the bounty of providence, and which are presented in our soil, rivers, and climate, cannot fail to make us respectable abroad—prosperous and happy at home. Ignorance and civil liberty, are un-



natural associates, where the people are the fountain of authority—the source whence all power is derived, for the direction of the public concerns, and the tribunal whose sentence is final and conclusive, it is indispensable to a just appreciation of their rights, and a correct exercise of their controul, that they be capable of discriminating between liberty and licentiousness—between invasions of their privileges and those salutary burthens and restraints, which are necessary to the general security.—It is such a state of society only, that honest statesmen can prosecute their plans for the promotion of the public good, with full confidence in the judgment of their constituents; or that the selfish views of designing demagogues will be detected and defeated. It is in such a state of society, that detraction and falsehood, weapons of faction, will be successfully opposed by the voice of truth, that merit will find a certain reward in the general approbation; that the sin of ingratitude so often ascribed to republics will be carefully avoided; that freemen will perceive and pursue their true interests; and that the best evidence will be afforded of the decisive advantages of our representative system over every other form of government. The real patriot who is ambitious to acquire that fame only which belongs to great and good actions, will always appeal to the virtue and intelligence of the community, while the artful seeker of popular favor addresses their passions and their prejudices; and as the one or the other prevail, so will the measures of the state be the offspring of enlarged and disinterested views, or of a narrow contracted policy, unworthy the character and ruinous to the interests of a free people.

So important to the advancement of republican principles has the distribution of knowledge been considered, that it is declared in an article of permanent compact between the original states and the people of the territories that Religion, morality and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall for

ever be encouraged." And the congress have fully redeemed the pledge on the part of the United States. Seventy two sections or two entire townships of land to be designated by the Secretary of the Treasury, are reserved by law "for the use of a seminary of learning, and vested in the Legislature of this state," "to be appropriated solely to the use of such seminary." And the secretary is moreover authorized to select the two townships in small tracts consisting in not less than two sections each. I have been in the expectation of receiving intelligence from the seat of the general government respecting the selection, but owing to accidental causes, it has not yet reached me. As all the information necessary to enable you to Legislate on the subject, will probably arrive in a few days, I shall at a future period of your session, submit to your consideration the mode of appropriating the lands, which I consider the best calculated to advance the highly interesting object designed in the grant. In addition to the foregoing funds for the purpose of learning, the sixteenth section in every township (or if that has been disposed of) other lauds equivalent thereto are "granted to the inhabitants of such townships for the use of schools." An act of Congress authorizes the county courts to provide for leasing the same, and limits the duration of the lease to the first of January, next succeeding the establishment of a state government. It is proper therefore that some legislative provision on the subject should be adopted to take effect from and after that period; and I perceive no objection to a continuance with the county courts the authority to lease, under the restrictions that the leases shall not extend beyond the term of two years, and that the proceeds shall be applied to the objects for which the grant has been made. In the mean time the country will be generally settled, and it may be advisable thereafter, to place the disposition of the fund, under the immediate control of the inhabitants of the respective townships.

The improvement of our rivers and roads, claim

your particular attention. Five per cent. of the net proceeds of the lands within this state, which shall have been or may be sold by Congress, after the first day of September last (deducting all expenses incident to the same) is reserved for making public roads and canals, and for improving the navigation of rivers; of which three fifths are to be applied to those objects within this state under the direction of the legislature, and two fifths to the making of a public road or roads leading to the state, under the direction of Congress. And our constitution has enjoined that the "General Assembly shall make provision by law for obtaining correct knowledge of the several objects proper for improvement in relation to the navigable waters and to the roads of this state, and for making a systematic and economical application of the means appropriated to those objects." I recommend to your consideration the policy of providing by law for the appointment of a skillful engineer, whose duty it shall be to examine the rivers within our limits, and to report as soon as practicable, to what extent, in what manner, and what expense, the navigation of each may be improved, and also the nearest and most eligible approaches which can be made between the waters of the Tennessee and Mobile rivers.

A general revision of the existing statutes being called for by the late change in our political condition, it is needless and would be tedious to detail the various modifications which have become necessary. The organization of the judicial department and the appointment of judges will also require your early attention. If the primary object of laws are the "establishment of rights and the prohibition of wrongs," it is essential that the laws be calculated to attain those objects, and that they be properly expounded—rigidly and impartially executed. Defects in their execution are no less injurious to society, than defects in the laws themselves, and I feel confident that so far as depends on the legislative authority, every effort will be made to

guard against both. The rights of the citizens can never be secure in any country or under any form of government, unless the judges in the last resort be men of integrity and intelligence. To obtain the services of such men, adequate provision for their support is indispensable. In times of great national danger and calamity it may be expected that every patriot, regardless of personal considerations, will devote himself to the public; but while the country is in profound peace, and the inhabitants are enjoying its blessings, we should not presume that competent citizens whose pecuniary resources are limited, can relinquish their domestic comforts for public honours, without due compensation. It would be unreasonable to expect it— unjust to desire it. Avoiding extravagance on the one hand, and parsimony on the other, salaries should be proportionate to the importance and labours of the offices, and to the talents which are necessary, and the unavoidable sacrifices which are incident to a correct discharge of its duties. Such a course of policy will render the public service equally accessible to the poor and to the rich, and will enable you to select from the best capacities of the country; while a penurious provision will exclude those classes whose fortunes are moderate, and whose talents furnish the means of providing for their families. So deeply involved in the course which may be pursued on this subject, do I consider the best interests of our infant state, and so fully am I convinced that the respectability and usefulness of our judiciary will depend on the compensation which may be allowed, that I would respectfully suggest the propriety of legislating on the subject before the judges are appointed.

In relation to the revision of the laws, it may be proper to remark, that the Territorial act providing for the punishment of offences committed on the Indian lands within our limits, but without the boundaries of the respective counties, cannot now be executed. That act authorizes the superior courts to proceed to the trial of offenders in any county to which they may be bro't;

but the constitution of the state declares, that the accused shall be entitled "to a speedy trial by an impartial jury of the county or district in which the offence shall have been committed." It therefore follows, that to render offences cognizable by the courts, they must have been committed within the specified limits of a county. Full force however may be given to the law by annexing to the adjacent counties, all the country within the state not embraced in any county.

Among the duties expressly devolved on the General Assembly by the constitution, and the performance of which during the present session is absolutely required, are the appointment of a Secretary of State, an Attorney General, Solicitors, a Treasurer, and Comptroller of public Accounts, and the enactment of laws regulating elections. It is also enjoined that provision be made for organizing and disciplining the militia and for the appointment of the officers; for an enumeration of the inhabitants of the state; and for the appointment of a competent number of Justices of the Peace in the respective counties. You will perceive, moreover, the necessity of providing for the appointment of Coroner, Constables, Surveyors, Assessors and Collectors of taxes, and of such other county officers as you may deem expedient.

I am not in possession of the means of ascertaining whether any change in the present system of revenue will be required by the amount of public expenditures. The receipts into the Treasury will be laid before you by the proper officer, and you will be enabled to estimate the sum that will be necessary to meet the appropriations which may be authorized for the future.

The subject of arranging the permanent limits of the respective counties, so far as it may be practicable under existing circumstances is worthy of your consideration. Accommodations for the courts, and houses for securing offenders will not be provided, while the seats of justice are temporary; and such is the extent of some of the counties that a large portion of the inhabitants are deprived of the benefits of government.

That the state may be represented in the Senate of the United States at an early period of their session, it is desirable that the Senators should be elected as soon as your deliberations will permit.

Herewith I lay before you a statement of the accounts between this state and the state of Mississippi, together with explanatory letters on the subject. The copies of the Digests of the laws which are charged in the account have been recently received and distributed.

Having been informed by a communication from an officer of the United States that the quota of arms for the present year, to which this state is entitled under an act of Congress, is three hundred and four, and that they would be forwarded to any place (the most convenient for water carriage) I might think proper to designate, I gave instructions that they should be shipped to the town of Mobile. The act under the authority of which the arms have been procured, makes provision for arming and equipping the whole body of the militia of the United States, and appropriates for that purpose, the annual sum of two hundred thousand dollars. All the arms obtained in virtue of the Act, are to be transmitted to the several States and Territories in proportion to the number of effective militia in each, and are to be distributed to the militia "under such rules and regulations as shall be by law prescribed by the legislature of each state and territory." It is therefore the province of the General Assembly to adopt the necessary measures for carrying into effect the object of the national Legislature.

Pursuant to the provision of an act of the last General Assembly, appointing the Governor a commissioner to lay off, or cause to be laid off, on such plan as he should deem most suitable, a town at the junction of the rivers Alabama and Cahawba, and offer the lots for sale to the highest bidder, one hundred and eighty-two lots were sold during the fourth week of May last, for the sum of one hundred and twenty-three thousand eight hundred and fifty-six dollars; of which thirty thousand

nine hundred and sixty-four dollars (being one fourth part) was received at the time of the sale, together with fifty-one dollars and twenty-five cents, being the second instalment of lot No. 53; amounting in the whole to thirty-one thousand and fifteen dollars and twenty-five cents. The expences of surveying, of sale, &c. as appears by the receipts of Willis Roberts and Benjamin Clements, were seven hundred and thirty dollars, leaving thirty thousand two hundred and eighty-five dollars twenty-five cents; of which twenty thousand four hundred and five dollars were paid over to the territorial Treasurer. One hundred and twenty dollars have been since drawn to complete the payment of the expenses before stated: leaving in the treasury twenty thousand two hundred and eighty-five dollars twenty-five cents. Ten thousand dollars were deposited in the Planter's and Merchant's Bank of Huntsville, and will be expended in the erection of a temporary State House at the town of Cahawba, for which a contract was made in the month of May last. Of that sum three thousand dollars have been drawn and placed in the hands of an agent in Cahawba, to be advanced to the contractor in conformity to the terms of agreement.— The principal parts of the buildings are to be finished on or before the first day of August next, for nine thousand dollars? and the remainder of the sum appropriated, will be required, and is sufficient to complete the whole, and to provide the necessary accommodations for the two branches of the Legislature. I learn that the building has been commenced, and that no doubt is entertained of its completion within the time specified in the contract.

In lieu of the section of land previously reserved for the seat of the territorial or state government, we are indebted to the "liberality of congress for the donation of sixteen hundred and twenty acres for the same object, consisting of sundry fractions and a quarter section: lying on both sides of the Alabama and Cahawba rivers, and including the mouth of the river Cahaw-

ba. 7—There being two ferries, and a few acres of land prepared for cultivation within the limits of the grant, they have been rented until the first of January next, for one thousand and four dollars. Twenty dollars have been paid, which, with bonds to the amount of nine hundred and eighty four dollars, I have deposited in the treasury. The very liberal and unprecedented donation we have received, will if judiciously managed, produce a fund of at least three hundred thousand dollars—a sum amply sufficient to provide permanent buildings and accommodations for the several departments of the government, and to defray the expences of erecting other works for the public convenience. I consider it advisable that authority be given to lay off and offer for sale an additional number of lots in the town of Cahawba; and that provision be made for the appointment of commissioners to take charge of the public property, and to exercise such powers as are usually granted to corporate towns.

I cannot close this communication without adverting to the signal favors which have been bounteously extended towards us, by the great author of every good. Abundant crops have rewarded the labours of the husbandman; and we are permitted to enjoy the blessings of liberty, peace and plenty. No people ever had stronger incentives to improve their means of happiness, or were under greater obligations to manifest their devout gratitude to the ruler of the universe. In discharging the high trust to which we have been called, let us not be unmindful that the future prosperity of our country is essentially concerned in the councils of the present day; and discharging all local jealousies and party animosities, let us unite as members of the same family having a common interest in directing our minds and our efforts to the advancement of the general welfare. So far as depends on me you may rely on every cooperation which can be rendered by good intentions, united with a zealous, devotion to the public interest.

W. W. BIBB.

*Huntsville, October 26, 1819.*



On motion of Mr. Townes, *resolved*, that one hundred copies of the governor's message be printed for the use of this house as soon as practicable.

On motion of Mr. Walker, *resolved*, that the documents accompanying the governor's message be read.

Whereupon, the Hon. speaker proceeded to read them.

On motion of Mr. Fitzpatrick, of Autauga, *resolved*, that this house will form itself into a committee of the whole, on Friday next, at 12 o'clock, on the governor's message.

On motion of Mr. Townes, *resolved*, that the documents accompanying the governor's message, lie on the table.

On motion of Mr. Everitt, *resolved*, that this house adjourn until to-morrow, 10 o'clock.

Wednesday, October 27th.

The house met according to adjournment.

On motion of Mr. Walker, *resolved*, that a military committee be appointed, and added to the standing committee.

On motion of Mr. Lamkin, *resolved*, that the military committee, consist of seven members.—Messrs. Lamkin, Exum, Walker, Everitt, Perkins, Dillahunty and Harrison, were appointed.

On motion of Mr. Weedon, *resolved*, that a judiciary committee, be appointed and added to the standing committee.

On motion of Mr. Townes, *resolved*, that Mr. Weedon's motion be reconsidered.

Mr. Birney moved to amend the resolution, by adding the words (at this time) and the question being taken thereon, it was decided in the affirmative, the question was then taken on the resolution as amended, and was decided in the negative.

Mr. Birney gave notice, that on to-morrow, he would ask leave to bring in a bill, entitled, "an act to amend an act, entitled an act, for the government of gin holders, and for other purposes."

Mr. Owen from the committee appointed to draft rules for the government of this house, made the following report.

*Rule 1st.*—The speaker shall take the chair every day, at the hour to which the house shall have adjourned, on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, cause the journals of the preceding day to be read.

*2d.*—He shall preserve order and decorum, may speak to points of order in preference to other members, rising from his chair for that purpose. He shall decide questions of order, subject to an appeal to the house, at the request of any two members, which appeal shall be decided without debate.

*3d.*—He shall rise to put a question, but may state it sitting, all questions shall be distinctly put in this form, viz. as many as are of opinion that (as the question may be) say aye; and after the affirmative voice is expressed, as many as are of the contrary opinion, say no. If the speaker doubts, or a division be called for, the house shall divide, those of the affirmative of the question, shall first rise from their seats, and afterwards those of the negative.

*4th.*—He shall have a right to name any member to perform the duties of the chair, but such substitutions shall not extend beyond an adjournment.

*5th.*—Fifteen members shall have power to call a house and send for absent members, a majority shall be a quorum to transact business, and seven members after the hour of twelve, may adjourn from day to day.

*6th.*—When a member is about to speak or deliver any matter to the house, he shall rise from his seat, and respectfully address himself to Mr. Speaker.

*7th.*—If any member in speaking or otherwise transgress the rules, the speaker shall, or any member may call to order, in which case the member so called to order shall immediately sit down, unless permitted to explain, and the house shall, if applied to, decide on the case, but without detail. If the decision be in favour

of the member so called to order, he shall be at liberty to proceed, if otherwise, and the case require it, he shall be liable to the censure of the house.

8th.—When two or more members happen to rise at the same time, the speaker shall name the person who is first to speak.

9th.—No member shall speak more than twice to the same question without leave of the house, nor more than once, until every member choosing to speak, shall have spoken.

10th.—When the speaker is putting a question or addressing the house, none shall walk across the room, nor when a member is speaking, enter in private discourse, nor pass between him and the chair.

11th.—Upon calls of the house for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

12th.—When a motion is made and seconded, it shall be stated by the speaker, or if in writing, shall be read aloud by the clerk, and every motion shall be reduced to writing, if the speaker or any member request it.

13th.—Any member may call for a division of the question, when the sense will admit of it.

14th.—Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

15th.—After a motion is stated by the speaker or read by the clerk, it shall be deemed in possession of the house, but may be withdrawn at any time before the decision or amendment.

16th.—When a question is under debate, no motion shall be received, but to adjourn, to postpone to a day certain, to lie on the table for the previous question, to postpone indefinitely, to commit or amend which several motions, shall have precedence in the order they stand arranged.

17th.—A motion to adjourn shall be always in order, and shall be decided without debate.

18th.—The previous question shall be in this form, shall the main question be now put. It shall only be admitted when demanded by a majority of the members present, and until it is decided, shall preclude all amendments, and further debate of the main question. On a previous question there shall be no debate.

19th.—When a motion has been once made, and carried in the affirmative or negative, it shall be in order for any member of the majority, to move for the reconsideration thereof; on the same or the succeeding day.

20th.—The house shall resolve itself into a committee of the whole when deemed necessary, and when in committee of the whole, shall be governed by the foregoing rules, except that in committee of the whole, any member may speak as often as he may think proper.

21st.—The speaker may appoint committees, unless otherwise directed by the house.

22nd.—The speaker shall vote on all questions, and when the yeas and nays are desired, the speaker shall be first called, and if the house shall be equally divided, the question shall be lost.

23d.—No member shall absent himself from the service of the house unless he have leave, be sick or unable to attend.

24th.—Upon a call of the house the names of the members shall be called over by the clerk, and the absenters without leave, noted; one hour after which, the names of the absentees shall again be called over, and those for whom no excuse or an insufficient excuse is made, may by order of those present if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody when to be found.

25th.—After the journals are read on each day, petitions shall be called for by the chair, next reports of the standing committees, and lastly, the reports of select committees, except the committee of enrollments, who may report at any time during the session of the house, when not excluded by some other urgent motion.

26th.—Motions and reports may be committed at the pleasure of the house.

*Of Bills.*

27th.—Every bill shall be introduced by motion, for leave or by an order of the house; on the report of a committee; and in either case, a committee to prepare the same, shall be appointed—in cases of a general nature one day's notice at least shall be given of the motion to bring in a bill: and every such motion may be committed.

28th.—All bills shall be dispatched in order, as they were introduced, unless when the house shall otherwise direct.

29th.—Upon the second reading of a bill the speaker shall state it, as ready for commitment or engrossment; and if committed; then the question shall be, whether to a select or standing committee, or to a committee of the whole house, if to a committee of the whole house, the house shall determine on what day.

30th.—After commitment and report thereof to the house, or at any time before its passage, a bill may be recommitted.

31st.—When a bill shall pass, it shall be certified by the clerk, noting the day of its passage at the foot thereof.

32nd.—In forming a committee of the whole house, the speaker shall leave his chair, and a chairman to preside in committee, shall be appointed by the speaker.

33d.—Upon a bill being committed to a committee of the whole house, the same shall be first read throughout, by the clerk, and then again read and debated by clauses; leaving the preamble to be last considered. After report, the bill shall again be subject to debate and amendment by clauses, before the question for engrossing it be taken.

34th.—All amendments made to an original motion in committee, shall be incorporated with the motion and so reported.

35th.—All questions, whether in committee or in the house, shall be disposed of in the order in which they were moved; except that in filling up the blanks, the

largest sum, and the most remote day, shall be first put.

36th.—The rules of proceeding in the house, shall be observed in committee so far as they may be applicable, except that of limiting the time of speaking.

37th.—A majority of any committee shall be a sufficient number to proceed to business.

38th.—When ever it shall be necessary for a communication to be made from the house of representatives, to the senate, the speaker shall appoint one or more members to bear the same.

39th.—When the house adjourns no member shall leave his seat, until the speaker has gone forth.

40th.—No committee shall sit during the sitting of the house, without special leave.

41st.—The clerk of the house shall take an oath for the true and faithful discharge of the duties of his office, to the best of his knowledge and abilities, and shall be deemed to continue in office, until another be appointed: which oath shall be administered by the speaker.

42nd.—No standing order shall be rescinded without one day's notice, given of the motion therefor.

43d.—Whoever violates any of the foregoing rules shall suffer such censure as a majority of the house may direct.

On motion of Mr. Vaughn, the house resolved itself into a committee of the whole, to take into consideration the said report, Mr. Townes in the chair,

And after some time spent therein, Mr. Speaker resumed the chair, and Mr. Townes reported, that the committee of the whole had, according to order, had the said report under consideration, and had amended the same by striking out the 43d rule as reported by the select committee, and adding the following in lieu thereof, viz. when this house adjourns without specifying any particular hour, it shall stand adjourned until 10 o'clock on the succeeding day, except the adjournment be on Saturday, and then it shall stand adjourned until 10 o'clock, the monday following.

To which amendment he asked the concurrence of

the house, and the question being taken thereon, it was decided in the affirmative.

The question was then taken on the adoption of the rules as reported by the select committee, as amended in committee of the whole and decided in the affirmative.

On motion of Mr. Byler, ordered that one hundred copies of the rules be printed for the use of this house.

On motion of Mr. Owen, resolved, that a committee of three be appointed on the part of this house, to act with such committee as the senate may appoint to draft rules for the government of both houses, whereupon, messrs. Owen, Birney and Chapman were appointed.

On Motion of Mr. Davis, *Resolved*, that a committee of three members be appointed to superintend the printing and examine the proof sheet of the standing rules for the government of this house; whereupon Messrs. Davis, Weedon and Perkins were appointed.

Mr. Dillahunt presented the petition of Eliza F. Michaux, Robert G. Mosley and Robert B. Cary, representatives, and guardians to the heirs of Daniel W. Michaux deceased, praying permission to sell certain lands lying in the county of Lawrence for the benefit of the heirs—which on motion of Mr. Dillahunt, was referred to a select committee—whereupon Messrs. Dillahunt, Townes and Chapman, were appointed.

On motion of Mr. Fitzpatrick, ordered, that this house adjourn until tomorrow 10 o'clock.

The house met pursuant to adjournment.

A message from the senate by their secretary—Mr. Speaker and gentlemen of the house of representatives: The senate concur in the resolution adopted by your honorable body, proposing the appointment of a committee for the purpose of contracting for the printing of the laws and journals of the General Assembly, together with such printing as may be required, and have appointed messrs. Grause and Rose, for that purpose on their part.

They also concur in the resolution of your honorable

body, proposing the appointment of a committee for the purpose of examining and reporting the most convenient and eligible rooms that can be obtained for the accommodation of both houses of the General Assembly, as well as the terms on which such rooms can be had, and have appointed messrs. Terrell and Sims, on their part for that purpose to act with gentlemen appointed by your honorable body.

Further, the senate have adopted the following resolution, in which they desire your concurrence.

*Resolved*, that five members be appointed on the part of the senate to act with such gentlemen as may be appointed on the part of the house of representatives, as a committee of finance, and have appointed on their part for that purpose messrs. Farmer, Trotter, Rose, Moore and Chambers.

They have also adopted the following resolution, in which they likewise desire your concurrence.

*Resolved*, that a committee of enrolled bills to consist of three members, be appointed to act jointly with such committee as may be appointed by the house of representatives, and have appointed messrs. Moore, Rose and Ware, on their part for that purpose.

The senate have also adopted the following resolution, in which they desire your concurrence.

*Resolved* by the senate and house of representatives, that in all elections by the General Assembly, the members of both houses will assemble in the representative chamber, and that the names of the members of each house shall be called by their respective clerks, and the votes noted by the president of the senate and speaker of the house of representatives, whereupon the speaker shall announce the result; and then he withdraw.

On motion of Mr. Owen, *resolved*, that this house do now take up the resolution of the senate respecting elections by the General Assembly, of senators to Congress, and that the rest of the resolutions first received from the senate do lie on the table.

On motion of Mr. Chapman, *resolved*, that this house



disagree to the resolution of the senate respecting the election of senators to Congress of the United States.

On motion of Mr. Chapman, resolved by the senate and house of representatives of the state of Alabama, in General assembly convened, that in all elections by the General Assembly, the votes shall be given for one election only at the same time, and that the majority of the whole number of votes shall be necessary to a choice; that the members of both houses will assemble in the representative chamber, and that the names of the members of each house, shall be called by their respective clerks—Whereupon the president of the senate, and speaker of the house of representatives shall ascertain the result; which shall be announced by the speaker of the house of representatives.

Mr. Cleveland from the committee of privileges and elections, made the following report to wit;

The committee of elections to whom was referred the credentials and other evidence of the members returned in the house of representatives, having attended to the duties assigned them, do report that the following members were duly elected to wit:

*From the county of Autauga,*  
Philips Fitzpatrick and Charles A. Dennis.

*From the county of Blount,*  
John Brown, Isaac Brown and Benjamin Mattison.

*From the county of Cahawba,*  
Jonathan Jones.

*From the county of Clarke,*  
William Murrell and G. W. Creagh.

*From the county of Etaco,*  
Melcijah Vaughn and John M'Carley.

*From the county of Dallas,*  
Edwin D. King and James Saffold.

*From the county of Franklin,*  
Temple Sargent and Anthony Winston.

*From the county of Lauderdale,*  
Thomas Gerrard and Jacob Byler.

*From the county of Limestone,*

Nicholas Davis, James W. Exum and Wm. Whitaker.

*From the county of Marion,*

Silas McBee.

*From the county of Madison,*

Samuel Walker, Epps Moody, James G. Birney, Samuel Chapman, Griffin Lanikin, John L. Townes, Frederick Weedon and Isaac Wellbourn.

*From the county of Monroe,*

James Dellet, Wm. Bates, Pascal Harrison, George W. Owen and Samuel Dale.

*From the county of Montgomery,*

John Edmundson, Larkin Cleveland and Joseph Fitzpatrick.

*From the county of Lawrence,*

Lewis Dillahunt and Samuel Bigham.

*From the county of St. Clair,*

James Hardwick.

*From the county of Tuscaloosa,*

James Hill, Hardin Perkins, and Julius Sims.

*From the county of Washington,*

John F. Everett and James Thompson.

*From the county of Baldwin,*

Thomas Carson.

Your committee beg leave further to report that William Lee who has taken his seat as a member from the county of Conecuh, has stated to your committee that he neglected to procure his credentials from the sheriff of the county, under the impression that the sheriff would make a return of his election to the secretary of state; that since his arrival he has been informed that no return has been received at the office of the secretary of the state from the county of Conecuh.

Your committee have received the certificate of Thomas Watts a member from said county stating that he was at the court house in the county of Conecuh when the votes for members of the house of representatives were counted out, and that the said William Lee was

elected. He further certifies that he was informed by the sheriff of said county that he (the sheriff) had forwarded the certificate of the election of Mr. Lee to the secretary of state.

The committee from this evidence, are of opinion that the said Wm. Lee, is duly elected a member of this house from the county of Conecuh, and that he is entitled to a seat, which on motion of Mr. Fitzpatrick (of Autauga) was received and agreed to.

Mr. Birney from the committee to whom was referred the petition of sundry inhabitants of the town of Triana, reported a bill to establish and incorporate said town, which being read the first time, was on motion of Mr. Everitt made the order of the day, for its second reading on to morrow.

Mr. Perkins gave notice that on Saturday, the 30th inst. he would ask leave to present a bill to incorporate the citizens of the town of Tuscaloosa, in the county of Tuscaloosa, of this state.

Mr. Birney obtained leave to bring in a bill to amend an act, entitled an act, for the government of gig-holders, whereupon, messrs. Birney, Saffold and Winston, were appointed a committee, to bring in the above bill.

Mr. Everitt presented the petition of James C. Gamble, praying a law authorizing the sale of a lot, for the purpose of partition. whereon, on motion, it was referred to a select committee, consisting of messrs. Owen, Everett and Townes.

On motion of Mr. Townes, it is ordered, that the clerk take the oath prescribed by the rules of order and decorum for this house, which was done as directed by said rules.

Mr. Everett presented the petition of Thomas Easton, praying an allowance for extra printing done during the two first sessions of the Alabama territory. Whereupon, on motion it was referred to the committee of accounts.

Mr. Chapman moved that hereafter it be, the order

of this house in presenting petitions, that the contents merely be stated, which was decided in the negative.

A message from the senate, by Mr. Garth.

Mr. speaker and gentlemen of the house of representatives,

The senate agree in the amendment proposed by your Hon. body, to their resolution on the subject of elections, by the general assembly of the state of Alabama, and then he withdrew.

Mr. Walker presented the petition of sundry inhabitants of Madison, Blount and Catoosa counties, praying that William Bradley and Isom Bradley, be invested with full power to establish a turnpike from Ditto's landing, to the head waters of the Black Warrior.

Whereupon, on motion, it is ordered to lie on the table.

Mr. Weedon presented the petition of sundry persons, praying that if a turnpike be granted from Ditto's landing to the Falls of Tuscaloosa, that it may be granted to George and James McWhorter, whereupon, on motion, it was ordered to lie on the table.

On motion of Mr. Birney, resolved, that the committee of enrollments, have leave to sit to day, during the sitting of this house.

Mr. Weedon gave notice, that on monday next he would ask leave to bring in a bill to amend an act, entitled an act, against usury, passed 13th February, 1818.

Message from the senate, by Mr. Moore, requesting the speaker of the house of representatives to sign a resolution of the senate, which being done he withdrew

On motion of Mr. Chapman, resolved, that this house send a message to the senate, informing them that the house of representatives are ready to go into the election of senators, to the congress of the United States.

The senate convened in the house of representatives, for the purpose of conducting the election for two senators to congress, and on the first balloting, the votes were as follows, viz.

For **Wm. R. King, Esq.** Mr. President, Casey, Conner, Chambers, Farmer, Gause, Harwell, Hogg, Hanby, Herbert, Metcalf, Rose, Trotter, Watkins and Ware.

Representatives, Mr. Speaker, Byler, Birney, John Brown, Bates, Cleveland, Creagh, Chapman, Carson, Dale, Davis, Dennis, Edmonson, Exum, Everitt, P. Fitzpatrick, Garrard, Hill, Hardwick, Harrison, Jones, King, Lamkin, Murrell, Moody, Matterson, Owen, Saffold, Sargent, Thompson, Towns, Taylor, Walker, Weedon, Wilson, Watts and Winston. 56.

For **J. C. Sims, T. M. Bee, P.**

Esq. messrs. Garth, Hodges, Isaac, Brown, Dillahunty, Es and Wellbourn. 12.

For **T. J. ley. 2.**

rabb. Esq. G. Moore and McCurmond Vote.

For **Con Hog Watki**

Esq. Mr. President, Casey, ner, Gause, Garth, Harwell, Rose, Sims, Terrell, Trotter,

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Is

Mr. Speaker, Birney, John Brown, Bates, Cleveland, Creagh, Chapman, le, Davis, Edmundson, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Harrison, Jones, King, Lamkin, Lee, Murrell, Moody, McBee, Matterson, McCarly, Owen, Perkins, Saffold, Sargent, Sims, Thompson, Towns, Taylor, Whitaker, Walker, Weedon, Wilson, Watts and Winston—59.

For **Thomas D. Crabb**, messrs. Hodges, Metcalf, Byler, Bigham, Garrard, Vaughan and Wellbourn—7.

For **G. Phillips**, messrs. Moore and Dennis—2.

For **Wm. R. King**, Lewis Dillahunty.

Whereupon Mr. Speaker announced that **Wm. R. King** and **John W. Walker**, esqrs. were duly elected senators to the Congress of the United States from this state.

On motion of Mr. Davis, *resolved* that this house stand adjourned until 3 o'clock P. M.

3 o'clock P. M. the house met pursuant to adjournment.

Mr. John Coats a member from the county of Warren, appeared and produced the necessary credentials and took his seat.

On motion of Mr. Owen, *ordered* that this house adjourn until tomorrow 10 o'clock A. M.

FRIDAY, Oct. 29, 1819.

The house met pursuant to adjournment.

Mr. Daris from the committee appointed to procure rooms, &c. for the accommodation of both houses of the legislature, made the following report.

The joint committee to whom was confided the examination and report of the most convenient rooms for the accommodation of both branches of the Legislature, as well as the terms on which such rooms can be had, *Report* that the room now occupied by the representative branch can only be retained a few days, at 10 dollars per day. Two rooms sufficiently spacious, having one chimney place each, within the Huntsville Inn, have been examined, neither of which will be rented unless both are taken at sixteen dollars per day, chairs and fuel inclusive. Two large sheet iron stoves with a small one (if necessary) for the use of the Speaker, can be procured, in this place, fitted up for use by Monday next, on the lower floor of the court-house, for sixty dollars. A large cast iron stove is prepared for the senatorial chamber now occupied, and which on the suggestion of the representative house can be exchanged for one of sheet iron. Your committee therefore can have no hesitancy in reporting the lower floor of the court-house to be the most proper apartment for the representative branch, and the room now occupied by the senate to be the most convenient for the accommodation of that body—which was ordered to lie on the table.

Mr. Murrell presented the petition of sundry inhabitants of the town of Coffeeville, praying to be incorporated: which was ordered to lie on the table.

Mr. Owen presented the petition of sundry inhabitants of the county of Monroe, praying a road from Pine

orchard to Claiborne, which was ordered to lie on the table.

Mr. *Byler* informed the house that he would ask leave to bring in a bill on tomorrow, to prevent abuses in taking up strays.

Mr. *Dillahunt* from the committee to whom was referred the petition of the administratrix and administrator of *Daniel W. Michaux*, reported a bill granting the prayer of said petition, read the first time and made the order of the day for tomorrow.

A bill to incorporate the town of *Triana* was read a second time, and ordered to be engrossed for its third reading.

A message from the senate by their secretary, Mr. *Speaker* and gentlemen of the house of representatives, The senate to the report of the joint committee, appointed to examine and report the most eligible and convenient that can be obtained for the accommodation of both houses of the General Assembly as well as to which said rooms can be had.

*Signed*

**F. A. ROGERS**, *sec'y of senate*,

Oct. 29,

On the motion of Mr. *P. Fitzpatrick*, the house resolved itself into a committee of the whole on the message of his excellency the Governor, Mr. *P. Fitzpatrick* in the chair, and after some time spent therein, Mr. *Speaker* resumed the chair, and Mr. *Fitzpatrick* reported that the committee had, according to order, had the said message under consideration, and had come to the following resolutions,

1st. *Resolved* that so much of the said communication as relates to the lands appropriated for the purpose of learning be referred to a select committee.

2d. *Resolved*, that so much of the governor's communication as relates to the improvement of our Rivers and Roads be referred to a select committee.

3d. *Resolved*. that so much of the governor's communication, as relates to a general revision of the laws, the organization of the judiciary department, and ap-

pointment of Judges, be referred to a select committee.

4th. *Resolved* that so much of the Governor's communication as relates to salaries be referred to a select committee.

5th. *Resolved* that so much of the Governor's communication, as relates to organizing and disciplining the militia of this state and for the appointment of officers, be referred to the military committee.

6th. *Resolved* that so much of the Governor's communication as relates to revenue be referred to the committee of ways and means.

7th. *Resolved* that so much of the Governor's communication as relates to taking the census, be referred to a committee of three members.

8th. *Resolved* that so much of the Governor's communication as relates to the accounts between this state and the state of Mississippi, be referred to a select committee.

9th. *Resolved* that so much of the Governor's communication as relates to arms provided for the militia, under the authority of an act of Congress, be referred to the military committee.

10th. *Resolved* that so much of the Governor's communication as relates to the town of Cahawba, and the donation of land on the part of Congress for the seat of the state government, be referred to a select committee.

On motion of Mr. Owen, *resolved* that the said select committees have leave to report by bill or otherwise.

The House proceeded to consider the said resolution and the same being again read, whereon the question being put, it was received and agreed upon.—

Whereupon messrs. Weedon, Everitt, Joseph Fitzpatrick, Owen and Chapman, were appointed a committee as it respects lands appropriated for the purposes of learning.

Messrs. Saffold, Murrell, M'Carley, Dale and Dennis, were appointed a committee as respects roads, rivers, &c. Messrs. Owen, Townes, Perkins, Chapman, Birney, Edmundson and Saffold were appointed a com-



mittee, as respects the revision of laws and organization of the judiciary.

Messrs. Everitt, Dale, Perkins, Lee and Taylor were appointed a committee as respects the salaries.

Messrs. Chapman, Exum and Sargent were appointed a committee, as respects the duties enjoined on the General Assembly.

Messrs. P. Fitzpatrick, Dale, King Lee and Creagh, were appointed a committee, respecting county boundaries and seats of justice &c.

Messrs. Townes, Edmundson, Hardwick, Moody & Winston, were appointed a committee as respects accounts, between this state and the state of Mississippi.

Messrs. Harrison, Owen and Saffold were appointed a committee as respects the town of Cahawba.

Messrs. Perkins, Cleveland, Thompson Carson and Bates, were appointed a committee respecting taking the Census.

Mr. Lamkin presented the petition of Irby Jones, praying permission to have a lottery. &c. On motion the petition was referred to a select committee, who had leave to report by bill or otherwise, whereupon Messrs. Lamkin, Towns and Saffold, were appointed.

On motion of Mr. Owen, *resolved* that two more members be added to the committee of Ways & Means.

On motion of Mr. Owen, *resolved*, that this house do concur with the senate in the foregoing communication, and that the committee of ways and means do act as joint committee, with the committee of finance on the part of the senate.

On motion of Mr. Birney, *resolved*, that the senate be informed that on tomorrow at 11 o'clock the house will be ready to proceed in counting out the votes for Governor, and be requested to attend at that hour in the representative chamber.

On motion of Mr. Chapman, *resolved*, that this house do appoint a suitable person to bear messages to the senate, which was ordered to lie on the table.

Mr. Chapman gave notice that on tomorrow he would

move to alter a standing rule of the house, respecting the manner of bearing messages to the senate.

Message from the senate— Mr. Speaker and gentlemen of the house of representatives: the senate have adopted the following resolution, in which they ask your concurrence.

*Resolved*, that a joint committee be appointed on the part of the senate to join such committee as may be appointed by the house of representatives on so much of the Governor's message as relates to the division of counties; and have appointed on their part for that purpose, messrs. Watkins, Herbert and Casey.

(Signed.)

T. A. ROGERS,

*Secretary of the Senate. 29th Oct. 1819.*

Which was concurred in.

On motion of Mr. Birney, ordered that the report of the committee appointed to contract for rooms be taken up—the question being taken, shall this report be received, it was decided in the negative.

On motion of Mr. Chapman, it was recommitteed to the same committee.

On motion of Mr. Everett the house adjourned until 3 o'clock.

The house met pursuant to adjournment.

On motion of Mr. Vaughan, *resolved*, that Mr. Everett be added to the standing committee of enrolled bills.

On motion of Mr. Walker ordered, that the petition of sundry inhabitants of the county of Cotaco & Blount, to establish a road, and presented by him yesterday, be referred to the committee of roads.

On motion of Mr. Weedon, ordered, that the petition of sundry inhabitants of Madison county, respecting a road from Ditto's landing to Tuskalooza, presented by him yesterday be referred to the committee of roads.

Mr. Birney gave notice, that on Monday next he would ask leave to introduce a bill, to exclude from office and serving as jurors, those who shall have been convicted of bribery, forgery, or other high crimes or misdemeanors.

On motion of Mr. Vaughan, ordered that this house adjourn until 10 o'clock tomorrow.

SATURDAY, October 30, 1819.

The house met pursuant to adjournment.

A message from the senate—Mr. Speaker: the senate have adopted the following resolution, in which they desire your concurrence. *Resolved*, that three members be appointed on the part of the senate to act with such members as may be appointed by the house of representatives, as a committee on joint rules, for the government of each branch of the Legislature of the state of Alabama, during the present session; and have appointed, messrs. Farmer, Harwell and Trotter, on their part for that purpose: which was agreed to, by striking out the words (each branch) and inserting in lieu thereof the words, (both branches.)

A message from the senate—Mr. Speaker: The senate concur in the proposition of your honorable body of yesterday, to meet your honorable body in the representative chamber to day at the hour of 11 o'clock, for the purpose of counting out the votes for Governor of the State of Alabama.

A message from the senate—Mr. Speaker: the senate have added Mr. Ringgold to the committee on so much of his Excellency the Governor's message as relates to the division of counties.

On motion of Mr. Thompson, *resolved*, that messrs. Murrell and Simms be added to the committee appointed on so much of the Governor's message as relates to the fixing of the permanent boundaries, and seats of justice to the different counties.

On motion of Mr. Lamkin, *resolved*, that messrs. Lee and Townes, be added to the military committee, and Mr. Davis be added to the committee of salaries.

Mr. Davis, from the committee to whom was confided the examination and report of the most convenient rooms for the accomodation of both branches of the Legislature, as well as the terms on which such rooms can be had: again respectfully report

That the room now occupied by the representative branch, can be retained for a few days only, at ten dollars per day. Your committee have examined two rooms sufficiently spacious, having one chimney place each, within the Huntsville Inn, neither of which will be rented unless both are taken at sixteen dollars per day, chairs and fuel inclusive.

Two large sheet iron stoves, with a small one if necessary for the use of the Speaker, can be procured in this place, fitted up for use by Monday next, on the lower floor of the court house, for sixty dollars. A large stove is prepared for the senatorial chamber, which at the instance of the representative branch can be exchanged for one of sheet iron. Your committee therefore, can have no hesitation in reporting the lower floor of the court house, to be the most proper apartment for the accommodation of the representative branch—and the room now occupied by the senate, to be the most convenient for the accommodation of that body.

On motion of Mr. Davis, ordered, that said report lie on the table.

On motion of Mr. Vaughan, ordered, that the senate be informed that the house of representatives are now ready to count out the votes for Governor of this state.

A message from the senate—Mr. Speaker: the senate are now ready to proceed to your chamber for the purpose of counting out the votes for Governor of the state of Alabama.

On motion of Mr. Whitaker, *resolved*, that messrs. Davis and Moody be added to the judiciary committee.

On motion of Mr. Dillahunty, *resolved*, that Mr. Bigham be added to the committee of county boundaries and seats of justice.

On motion of Mr. P. Fitzpatrick, *resolved*, that Mr. Edmundson, be added to the committee on so much of the governor's message as relates to the establishment of county lines &c.

The senate convened in the representative chamber.

when Mr. Speaker proceeded to count out the votes for Governor, which were as follow :

	BIBB	WILLIAMS.
<i>The county of Shelby,</i>	278,	96.
<i>Conecuh,</i>	460,	39.
<i>Monroe,</i>	650,	534.
<i>Mobile,</i>	172,	63.
<i>Baldwin,</i>	126,	11.
<i>Marengo,</i>	184,	405.
<i>Franklin,</i>	161,	387.
<i>Lawrence,</i>	493,	297.
<i>St. Clair,</i>	350,	178.
<i>Blount,</i>	111,	722.
<i>Cotaco,</i>	195,	454.
<i>Cahawba,</i>	350,	73.
<i>Murion,</i>	83,	225.
<i>Autauga,</i>	440,	6.
<i>Washington,</i>	257,	322.
<i>Limestone,</i>	906,	191.
<i>Lauderdale,</i>	142,	355.
<i>Dallas,</i>	647,	115.
<i>Clarke,</i>	543,	274.
<i>Tuskaloosa,</i>	123,	824.
<i>Madison,</i>	1225,	1244.
<i>Montgomery,</i>	440,	350.
	8342.	7140.

Whereupon Mr. Speaker declared that W. W. Bibb Esqr. was duly elected Governor, and commander in chief of the State of Alabama, by a majority of twelve hundred and two votes.

On motion of Mr. Dillahunty, *resolved*, that a committee on the part of this house be appointed with such committee as may be appointed by the senate, to inform his Excellency William W. Bibb, that he is duly elected Governor and commander in chief of the state of Alabama—whereupon messrs. Dillahunty & Cleveland, were appointed. Ordered, that the senate be informed thereof.

Mr. Byler, in conformity to a notice given yester-

day, asked leave to bring in a bill to prevent abuse in taking up strays, leave being granted, Mr. Byler accordingly presented the bill, which received its first reading.

On motion of Mr. Byler, *resolved*, that the bill introduced by himself respecting taking up strays, be referred to a select committee—whereupon messrs. Byler, Walker and Winston, were appointed.

Mr. Perkins, agreeable to notice given on a former day, asked for and obtained leave to bring in a bill to incorporate the town of Tuscaloosa. On motion of Mr. Perkins, *resolved*, that the bill as respects incorporating the town of Tuscaloosa, be referred to a select committee—whereupon messrs. Perkins, Birney and Harrison, were appointed.

On motion of Mr. Murrell, *ordered*, that the petition of sundry inhabitants of Coffeeville, praying to be incorporated, be taken up, and on motion of Mr. Murrell *ordered*, that said petition be referred to a select committee—whereupon messrs. Murrell, Brown & Creagh, were appointed.

The house then resumed the order of the day, on the bill authorizing the administratrix and administrator, of Daniel W. Michaux deceased, to sell certain real estate for the benefit of his heirs—whereupon, on motion, it was postponed and made the order of the day on monday next.

On motion of Mr. Davis, *ordered*, that this house adjourn until monday 10 o'clock.

MONDAY, Nov. 1st, 1819.

The house met pursuant to adjournment.

Mr. Speaker laid before the house the report of Jack F. Ross, Esq. Treasurer of the Alabama Territory, which was as follows :

*Treasury Office, Huntsville, 29th Oct. 1819.*

The honorable Speaker of the house of representatives of the state of Alabama :

SIR:—In conformity with an act regulating the Treasury department, I have the honor to transmit herewith to the house of representatives two statements

marked A. & B. exhibiting the state of the Treasury from the commencement of the Territorial Government up to this date.

The state of the treasury for the year 1818, was examined by a committee appointed at the last session of the Territorial Legislature for that purpose, but owing to the late change from a territorial to a state government, I have deemed it expedient to lay before the Legislature at their first session a full account of all the receipts into the office, since its organization, together with its disbursements for the same period.

In addition to the statements herewith transmitted, I have the honor further to state, that I have received from his Excellency the Governor in conformity with the 6th section of an act providing for the temporary and permanent seat of government, a return of the sale of one hundred and eighty two lots, by him sold during the 4th week in May last, with the price of each, and the names of the purchasers, by which it appears that there is due the state on the second, third and fourth instalments the sum of 92,840 dollars and twenty-five cents, I have also received of his Excellency the Governor, bonds on different individuals to the amount of nine hundred and eighty eight dollars, for the rent of ferries on the Alabama and Cahawba rivers at the town of Cahawba, and for the rent of a part of the tract of land given to the state for the seat of government, which will fall due on the first of January next—

I have the honor to be respectfully,

your obedient servant.

(Signed,)

JACK F. ROSS,

*State Treasurer.*

On motion of Mr. Everitt *ordered*, that the said report be referred to a select committee—whereupon, Messrs. Everett, Townes and Lee, were appointed.

Mr. King presented the petition of Wm. G. Gill, praying to be allowed separate fees for the prosecution of certain slaves in the county of Cahawba.

On motion of Mr. King, *ordered*, the said petition be

referred to the committee of propositions and grievances.

Mr. *Saffold* presented the petition of sundry inhabitants of the county of Dallas, praying for a law to be enacted for the relief of John Read of said county.

On motion of Mr. *Saffold*, *ordered* that the said petition be referred to the committee of propositions and grievances.

On motion of Mr. *Weedon*, resolved that should major general Andrew Jackson, appear in the lobby of this house, the speaker do invite him to a seat within the bar thereof.

On motion of Mr. *Everitt*, resolved that Mr. Dale be added to the military committee, Mr. Cleveland to that on salaries, and messrs. Carson. Hardwick and John Brown to the committee on boundaries and seats of justice. On motion of Mr. *Vaughan*, *ordered* that Mr. Byler be added to the committee on county boundaries and seats of justice.

Mr. *Owen* gave notice that on thursday next he would ask leave to introduce a bill regulating fences and for other purposes.

On motion of Mr. *Dillahunty*, *ordered* that the house take up the order of the day, on the bill authorising the administratrix and administrator of Daniel W. Michaux, deceased, to sell certain real estate, which was read a second time and ordered to be engrossed for a third reading and made the order of the day for tomorrow. On motion of Mr. *Owen*, *ordered* that the house take up the report of the committee as respects procuring rooms, &c. for the accommodation of both houses of the Legislature. The question being put to the house shall the report be agreed to—it was decided in the negative.

A message from the senate—Mr. *Speaker* and gentlemen of the house of representatives, the senate concur in the resolution by you adopted, proposing to appoint a committee to wait on his excellency *W. W. Bibb*, and inform him he has been duly elected Governor and commander in chief of the state of Alabama, and have



appointed on their part for that purpose. messrs. *Moore*, *Casey* and *Trotter* to act with the gentlemen by you appointed.

A message from the senate—*Mr. Speaker* and gentlemen of the house of representatives, the senate have adopted the following resolution in which they desire your concurrence—*resolved* that a committee of three members be appointed on the part of the senate to associate with such committee as may be appointed on the part of the house of representatives, to take into consideration the expediency of carrying into effect the 19th section of the 6th article of the constitution, and have appointed on their part for that purpose, messrs. *Terrill*, *Moore* and *Harwell*.

A message from the senate—*Mr. Speaker*, and gentlemen of the house of representatives, the senate have added messrs. *Metcalf* and *Chambers* to the military committee, and messrs. *Harwell* and *Gause* to the committee on that part of the message of his excellency the Governor, which relates to the division of counties.

On motion of *Mr. Lamkin*, *resolved* with the concurrence of the senate, that when this house adjourns on monday next, it will adjourn to the court-house in this town, and that *Daniel Rather* be empowered to have said house fitted up for that purpose. On motion of *Mr. Lamkin*, *ordered* that the senate be informed thereof.

On motion of *Mr. Walker*, *ordered* that *Mr. Townes* be added to the committee appointed on so much of the Governor's message as relates to duties imposed on the General Assembly.

On motion of *Mr. Matterson*, *ordered* that *Mr. Isaac Brown* be added to the committee appointed on so much of his excellency the Governor's message, as respects the division of counties, &c.

On motion of *Mr. Walker*, *ordered* that messrs. *Perkins* and *Dillahunty* be added to the special committee as respects estrays.

*Mr. Owen* gave notice, that on Thursday next he would ask leave to introduce a bill to regulate the office

of secretary of this state, and to define the duties belonging to the same.

On motion of Mr. Weedon, ordered that this house adjourn until to-morrow, 10 o'clock.

Tuesday, Nov. 2.

The house met pursuant to adjournment. Mr. Vaughn presented the petition of sundry inhabitants of the county of Cotaco, praying for a road leading from Huntsville to the Falls of Tuskalooza, by the way of Lemon's ferry.

On motion of Mr. Vaughn, ordered, that the said petition be referred to the committee on roads.

Mr. Garrard presented a petition for the relief of Zedekiah Tate, of Lauderdale county, praying further time to make returns, as assessor and collector of taxes.

On motion of Mr. Garrard, ordered, that the said petition be referred to the committee of propositions and grievances.

Mr. Lamkin from the committee to whom was referred the petition of Irby Jones, praying for permission to dispose of certain property, by way of lottery, reported by a bill authorizing the said Jones to dispose of said property therein contained, by way of lottery, which received its first reading.

On motion of Mr. Weedon, ordered, that the bill authorizing Irby Jones, to dispose of said property by way of lottery, be indefinitely postponed.

A message from the senate.

Mr. Speaker and gentlemen of the house of representatives, the senate have passed on its third and last reading, a bill to be entitled an act, prescribing the manner in which the oath of office shall be administered to the governor of this state, and certain other officers therein named, in which they ask your concurrence. On motion of Mr. Vaughn, ordered, that the said bill be read the first time in this house.

On motion of Mr. Everitt, ordered, that the said bill receive its second reading forthwith, and the rules of the house be dispensed with for the present.

On motion of Mr. Vaughn, ordered, that the said bill be referred to a committee of the whole, and made the order of the day for to-morrow.

A message from the senate.

Mr. Speaker and gentlemen of the house of representatives, the senate concur in the resolution adopted by your hon. body, proposing that when the house of representatives adjourn, on monday next, it will adjourn to the court house in this town, and that Daniel Rather be empowered to have said house fitted up for that purpose.

The following message was also received from the senate—Mr. Speaker and gentlemen of the house of representatives, the senate have adopted the following resolution, in which they ask your concurrence, resolved, that a committee be appointed on the part of the senate, with such committee as may be appointed by the house of representatives, to inform his excellency the governor, that on the 28th day of October, the two houses proceeded to elect two senators to the congress of the United States, whereupon John Williams Walker, and William R. King, were duly elected, and have appointed on their part for that purpose, messrs. Moore, Casey and Ware.

On motion of Mr. Owen, ordered, that the same be agreed to, with the following amendment, (and that the governor be, and he is hereby authorized to give them certificates of the same,) ordered, that the senate be informed thereof.

Mr. Garrard presented the petition of sundry inhabitants of Lauderdale county, praying for a law to be enacted, to prevent any obstructions in the navigation of Shoal Creek.

On motion of Mr. Byler, ordered, that the said petition be referred to the committee of rivers and roads.

On motion of Mr. Walker, ordered. that messrs. Birney and Davis be added to the committee of propositions and grievances.

On motion of Mr. Weedon, ordered, that messrs-

Townes and Birney, be added to the committee of ways and means.

On motion of Mr. Birney, ordered, that the house take up the order of the day, whereupon, the bill to establish the town of Triana, and incorporate its trustees, was read the third time, and the question being taken, (shall this bill pass) it was decided in the affirmative.

On motion of Mr. Birney, ordered, that the title of the above mentioned bill, be changed to that of an act to establish the town of Triana, and incorporate its trustees.

On motion of Mr. Dillahunty, ordered, that the bill authorizing the administratrix and administrator of Daniel W. Michaux, deceased, to sell real estate, be read the third time, and the question being taken, (shall this bill pass) it was decided in the affirmative.

On motion of Mr. Dillahunty, ordered, that the title of said bill be changed to that of an act, authorizing the administratrix and administrator of Daniel W. Michaux, deceased, to sell certain real estate therein named.

Major Gen. Andrew Jackson made his appearance in the lobby, and Mr. Speaker in pursuance of a resolution passed on yesterday, invited him to take a seat within the bar of this house.

On motion of Mr. Fitzpatrick, ordered, that Mr. Wilson be added to the committee on county lines and court houses.

On motion of Mr. Vaughn, ordered, that the house take up the resolution of the senate, relating to the 19th section, of the sixth article of the constitution, which on motion was ordered to lie on the table.

Mr. Byler gave notice that on to-morrow, he would ask leave to bring in a bill to establish two election precincts in Lauderdale county.

On motion of Mr. Chapman, *ordered* that messrs. Owen and Everitt be added to the committee relating to the duty enjoined on the General Assembly.

Mr. Owen moved the adoption of the following resolution, *resolved* that all special committees shall con-

sist of not exceeding five members, and hereafter not more than two shall be added to either by a resolution of the house, which was ordered to lie on the table.

The following was received from the senate—Mr. Speaker and gentlemen of the house of representatives, —resolved by the senate and house of representatives of the state of Alabama in General Assembly convened that the thanks of the General Assembly be and the same are hereby presented to major general Andrew Jackson, for his valor, patriotism and meritorious conduct, during the late war; but particularly for the decisive and glorious victory obtained over the British forces at New-Orleans.

And be it further resolved, that this General Assembly do highly disapprove of the late attempt made by some members of the Congress of the United States at the last session, to censure the military course of this inestimable officer, from motives (as we believe) other than patriotic.

On motion of Mr. Perkins *ordered*, that said resolution be divided—the question being taken on the first part of the resolution, it was decided in the affirmative, by a unanimous vote. On motion of Mr. Owen *ordered*, that the latter part of the resolution be adopted—which was opposed by messrs. Townes, Davis and Birney, and supported by messrs. Chapman, Owen and Lamkin. On motion of Mr. Isaac Brown, *ordered* that the yeas and nays be called for, which were as follows, to with:

Ayes—Messrs. Bigham, John Brown, Isaac Brown, Bates, Coats, Chapman, Carson, Dale, Dillabauty, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Harrison, Jones, Lamkin, Murrell, Moody, McBee, Matterson, M'Carley, Owen, Seargent, Simms, Taylor, Weedon, Wilson, and Winston, in all 27.

Nays—Mr. Speaker, Messrs. Byler, Birney, Cleveland, Creagh, Dennis, Davis, Exum, Everett, Garrard, King, Lee, Perkins, Saffold, Thompson, Townes, Vaughan, Whitaker, Walker, Wellborne, and Watts in all 21.

Mr. Weedon gave notice, that on tomorrow he would ask leave to bring in a bill to regulate the rate of interest.

On motion of Mr. Vaughan, *ordered*, that this house adjourn.

WEDNESDAY, Nov. 8d, 1819.

The house met pursuant to adjournment.

Mr. Murrell of the committee to whom was referred the petition of sundry inhabitants of the town of Coffeeville, in the county of Clarke, praying for a law to be enacted to incorporate said town, reported a bill to incorporate the same—which bill was read the first time. On motion of Mr. Murrell, ordered that the said bill be made the order of the day for its second reading on tomorrow.

Mr. Speaker presented and read the report of the auditor of public accounts—whereupon, on motion, the said report was referred to the committee on accounts.

On motion of Mr. Dillahanty, ordered that the senate be informed that the bill authorizing the administratrix and administrator of Daniel W. Michaux deceased, to sell real estate, and the bill to establish the town of Triana and incorporate its trustees, have been read the third time, and to which they ask their concurrence.

Mr. Byler in conformity to a notice he gave yesterday, asked for and obtained leave to present a bill to establish two precinct elections in the county of Lauderdale, which bill was read the first time. On motion of Mr. Dillahanty, ordered that the said bill be made the order of the day for its second reading on tomorrow.

Mr. Edmonson gave notice, that on tomorrow he would ask leave to introduce a bill to establish the permanent boundary lines of the county of Montgomery.

On motion of Mr. Vaughan *resolved*, that the committee of county boundaries &c. be instructed to take into consideration, the lands to which the Indian title has been extinguished, that lies within the limits of the state of Alabama; which has not heretofore been erected into counties.

On motion of Mr. Owen, ordered that the house take up the order of the day on the bill to be entitled, an act prescribing the manner in which the oath of office shall be administered to the Governor of the state of and cer-

tain other officers therein named—whereupon the house resolved itself into a committee of the whole, Mr. Birney in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Birney reported, that the committee of the whole had, according to order, had the said bill under consideration, and had made sundry amendments thereto; which being read at the clerks table, were, on motion of Mr. Vaughan, received and agreed to. On motion of Mr. Everett, said bill as amended, was made the order of the day for its third reading on tomorrow.

Mr. Townes offered the following resolutions—whereas by the several acts of Congress regulating the appointment of Territorial Judges, the power of such appointments is vested in the President of the United States, by and with the advice and consent of the senate, and whereas, by an act of Congress passed on the 2nd March 1819, authorizing the people of the Alabama Territory, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states, agreeable to which act the constitution has been formed; which consistent with the provision of said act has to be presented to the Congress of the United States for ratification, and whereas previous to such presentation or ratification by the congress of the United States a vacancy has occurred in the northern judicial circuit by the resignation of the honorable John W. Walker, which vacancy has been filled by the Gov. of the Alabama Territory, under the authority of which appointment courts have been held contrary to the tenor of the laws of Congress, directing the appointment of Judges. Therefore, *resolved*, that all appointments made by the governor of the Alabama Territory previous to the ratification of the Constitution of the state of Alabama, by the Congress of the United States, contrary to the existing laws of the United States, directing the mode of making appointments. are invalid.

2nd. *Resolved*, that the Constitution of the state of

Alabama does not extend to the Governor of the territory, the power of making appointments, which the laws of the United States did not give to the Governor of the territory.

3d. *Resolved*, that the appointment by the Governor of the territory of a judge to fill the vacancy occasioned by the resignation of the honorable John W. Walker, previous to the ratification of the constitution of the state of Alabama, by the congress of the United States, is inconsistent with the laws of the United States directing the mode of appointing judges nor is it sanctioned by the constitution of the state of Alabama.

4th. *Resolved*, that all the official acts of the judge, appointed and commissioned by the Gov. of the Alabama Territory, to fill the vacancy occasioned by the resignation of the honorable John W. Walker, and the courts held by and under the authority of the judge, are inoperative, invalid and void. On motion of Mr. Birney, ordered that said resolutions lie on the table.

Mr. Weedon agreeable to notice given yesterday, asked for and obtained leave to bring in a bill to regulate the rate of interest. On motion of Mr. Weedon ordered, that the said bill be the order of the day for tomorrow, for its second reading.

On motion of Mr. Townes, the house adjourned.

THURSDAY, Nov. 4th 1819.

The house met pursuant to adjournment.

Mr. Exum presented the petition of sundry inhabitants of the county of Limestone, praying a reelection of commissioners to fix the permanent seat of justice of said county. On motion of Mr. Exum, ordered that the said petition be referred to a select committee—whereupon messrs. Exum, Matterson and Jones, were appointed.

Mr. Dillahunty presented the memorial of John Byler of the county of Lawrence, praying for a road leading from Bainbridge to the Falls of Tuskalooza, touching at certain points therein named.



On motion of Mr. Dillahunty, ordered that the said memorial be referred to the committee on rivers and roads. On motion of Mr. Byler ordered, that Mr. Dillahunty be added to the committee on rivers and roads.

Mr. Taylor presented the petition of sundry inhabitants of the counties of Shelby, and St. Clair, praying for a new county. On motion of Mr. Everett, ordered that the said petition be referred to the committee on county boundaries &c.

Mr. Lee of the committee to whom was referred the petition of Thomas Eastin, reported by joint resolution, allowing said Easton the amount of his claim; which was read the first time. On motion of Mr. Lee ordered that the said resolution be made the order of the day for its second reading on tomorrow.

Mr. Philip Fitzpatrick of the committee on county boundaries and seats of justice, reported a bill to establish the seats of justice in the counties of Autauga and Lauderdale; which was read the first time. On motion of Mr. P. Fitzpatrick, ordered that the said bill be made the order of the day for its second reading on tomorrow.

Mr. Walker of the committee of propositions and grievances to whom was referred the petition of Zedekiah Tate, reported by bill granting relief to said Tate; which was read the first time. On motion of Mr. Walker ordered, that the said bill be made the order of the day for its second reading, on tomorrow.

Mr. Edmonson in conformity to a notice he gave yesterday, asked for and obtained leave to introduce a bill, regulating the county boundaries of Montgomery; which received its first reading. On motion of Mr. King ordered, that the said bill lie on the table.

On motion of Mr. Owen, ordered that the joint resolution for the relief of Thomas Eastin, be reconsidered. On motion of Mr. Owen, ordered that the said resolution be now read the first time. On motion of Mr. Everett, ordered that said resolution be the order of the day for its second reading on tomorrow

On motion of Mr. Lamkin, ordered that the 19th rule for the government of this house, for the present be dispensed with.

On motion of Mr. Lamkin, the house proceeded to reconsider the second resolution sent from the senate voting the thanks of the General Assembly to Major General Andrew Jackson. On motion of Mr. Lamkin, said resolution was stricken out—the yeas and nays on striking out the resolution were as follow :

AYES—Mr. Speaker, Messrs. Byler, Buncy, Cleveland, Creagh, Chapman, Dennis, Davis, Edmonson, Exum, Everett, Garrard, King, Lamkin, Lee, Moody, Perkins, Saffold, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, and Wellbourne 25

NAYS—Messrs Bigham, John Brown, Isaac Brown, Bates, Carson, Coats, Dale, Dallahanty, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Harrison, Jones, Murrell, McBee, Muttonson, M'Carley, Owen, Seargent, Simms, Weedon, Wilson, Watts, and Win ton. 24.

On motion of Mr. Townes ordered, that the house resolve itself into a committee of the whole, on a resolution approbating the conduct of Maj. General Andrew Jackson, during the late war with the Seminole Indians &c. Mr. Cleveland in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Cleveland reported that the committee of the whole had, according to order, had the resolution under consideration, and report the following additional resolution in lieu of that which was stricken out—to wit :

And be it further resolved, that this General Assembly do highly approve the conduct of Major General Andrew Jackson in the prosecution of the late war with the Seminole Indians ; and sincerely regret the course pursued by such members of the Congress of the United States, as attempted at their last session to censure this distinguished chieftain. On motion of Mr. Vaughan ordered, that the report of the committee of the whole be received and agreed to. On motion of Mr. Lamkin ordered, that the senate be informed thereof.

On motion of Mr. Everett, the house adjourned.

FRIDAY, November 5th.

The house met pursuant to adjournment.

Mr. Dennis presented the petition of sundry inhabitants of Mulberry Creek, Autauga county, praying to be attached to the county of Cahawba.

On motion of Mr. Dennis, ordered that the said petition be referred to the committee on county boundaries.

The house then resumed the order of the day—A joint resolution for the relief of Thomas Eastin, allowing him a certain sum therein named, was read a second time—whereupon, the said joint resolution was committed to a committee of the whole, and made the order of the day for tomorrow.

A bill to establish the seats of justice in the counties of Autauga and Lauderdale was read a second time, and on motion of Mr. P. Fitzpatrick, the said bill was committed to a committee of the whole, and made the order of the day for tomorrow.

A bill prescribing the manner in which the oath of office shall be administered to the Governor of this state and certain other officers therein named was read a 3d time—and, on motion of *Mr. Birney*, the said bill was recommitted to a committee of the house, and made the order of the day for tomorrow.

A bill to establish two election precincts in the county of Lauderdale, was read a second time, and on motion of Mr. Vaughan said bill was committed to a committee of the whole and made the order of the day for tomorrow.

A bill for the relief of Zedekiah Tate, assessor and tax collector of Lauderdale county, was read a second time, and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

A bill regulating the rate of interest, was read a second time, and on motion of Mr. Weedon, said bill was committed to a committee of the whole, and made the order of the day for monday next. On motion of Mr. Townes, *ordered* that 100 copies of said bill be printed for the use of the members of this house.

A bill to incorporate the town of Coffeeville in Clark county was read a second time. On motion of Mr. Murrell, ordered that the said bill be engrossed for a third reading and made the order of the day for tomorrow.

On motion of Mr. Townes, the resolutions relating to the appointment of a Judge to fill the vacancy occasioned by the resignation of John W. Walker, &c. were taken up; which was strongly supported—the question being taken, shall this resolution be adopted, it was decided in the negative—the ayes and nays being called for, on the adoption of the resolution, they were as follows :

**NAYS**—Mr. Speaker, Messrs Birney, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Carson, Coats, Dale, Dennis, Davis, Dilahunty, Edmonson, Exum, Everitt, P Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Harrison, Jones, King, Lamkin, Lee, Murrell, Moody, McBee, Matterson, M'Carley, Owen, Perkins, Saffold, Seargant, Simms, Thompson, Taylor, Vaughan, Whitaker, Wilson. Watts, and Wiuston, 43.

**AYES**—Messrs. Chapman, Townes, Walker, Weedon and Wellborne, 5.

On motion of Mr. Townes, the house adjourned.

SATURDAY, 6th November.

The house met pursuant to adjournment.

A message from the senate—Mr. Speaker and gentlemen of the house of representatives: the senate concur in the amendment by you proposed to the resolution proposing the appointment of a committee to inform his excellency the Governor, of the election of John W. Walker and Willaim R. King, Senators from this state to the Congress of the United States—whereupon messrs. Everitt and King, were appointed on the part of this house for that purpose.

Ordered that the senate be informed thereof.

Mr. Walker of the committee to whom was referred the petition of William G. Gill, reported by bill, which was read the first time, and on motion of Mr. Saffold was ordered to lie on the table.

Mr. Chapman from the committee to whom was referred the duties enjoined on the General Assembly, by the constitution of this state, reported as follows, to wit:

Art. 3d Sec. 9, Directs that a law should pass, requiring an enumeration to be made of all the inhabitants of the state—which section, on motion of Mr. Chapman, was referred to committee for taking the census.

Art. 3d Sec. 14, Directs that a law should pass regulating the mode by which elections may be contested,

which on motion of the same was referred to a select committee—whereupon messrs. Walker, Perkins and Moody were appointed.

Sec. 11, Directs that a law should pass, regulating the rules and regulations by which reprieves and pardons may be granted, and fines remitted by the Governor.

Sec. 14, Directs that a secretary of state shall be appointed and his duties defined by law.

Sec. 23, Directs that a state Treasurer and Comptroller of public accounts shall be appointed.

Sec. 1, (Militia,) Directs that the General Assembly shall provide by law for organizing and disciplining the militia; which section, on motion of Mr. Chapman was referred to the military committee.

Sec. 6, Directs, that the General Assembly shall fix by law the method of dividing the militia, into divisions, brigades, regiments, battallions and companies, and shall fix the rank of staff officers.

Art. 6. General provisions.

Sec. 3, Gives the General Assembly the power of passing such penal laws, as they may deem expedient, to suppress the evil practice of duelling; which section, on motion of Mr. Chapman, was ordered to be referred to a select committee; whereupon, messrs. Townes, McBee and Billahunty, were appointed.

Sec. 5, Directs, that laws may be made to exclude from office, from suffrage, and from serving as jurors, those who may be convicted of bribery, perjury, forgery, or other high crimes or misdemeanors; which on motion of Mr. Chapman, was ordered to be referred to a select committee—whereupon, messrs. Birney, Lee and Lamkin, were appointed. The same section directs, that the privilege of free suffrage shall be supported by laws regulating elections, and prohibiting under adequate penalties, all undue influence therein, from power, bribery, tumult or other improper conduct.

Sec. 9, Directs, that the Legislature shall, by law declare in what manner, and in what courts suits may

be brought against the state ; which, on motion of Mr Chapman, was ordered to be referred to the judiciary committee.

Sec. 19, Directs, that the General Assembly should, by law regulate the cases in which deductions shall be made from the salaries of officers, for neglect of duty in their official capacities, and the amount of such deductions ; which on motion of the same, was referred to the Judiciary committee.

Sec. 13, Enables the General Assembly to pass laws regulating divorces ; which on motion of the same, was referred to the Judiciary committee.

Sec. 18, Directs the General Assembly to pass such laws as may be necessary and proper to decide differences by arbitrators, to be appointed by the parties who may chose that summary mode of adjustment, which, on motion of the same was referred to the judiciary committee.

Sec. 21. Directs, that the General Assembly shall make provision by law for obtaining a correct knowledge of the several objects proper for improvement in relation to the navigable waters and to the roads in this state, & for making a systematic & economical application of the monies appropriated for those objects : which on motion of the same was referred to the committee on roads, rivers, &c.

Mr. Lee of the committee to whom was referred the report of the auditor of public accounts, reported as follows : the committee to whom was referred the report of the auditor, have directed me to move that they be discharged from the further consideration of the subject, and that the report be referred to the committee of ways and means ; which was agreed to.

Messrs. Everett and King, the committee appointed by this house, to join one from the senate, to inform his Excellency the Governor, of the election of John W. Walker and William R. King, Esqs. to the senate in the Congress of the United States, reported that they had performed that service.

The house resolved itself into a committee of the whole, on the bill prescribing the manner in which the oath of office shall be administered to the Governor of the state, and certain other officers therein named, Mr. Townes in the chair, and after some time spent therein the committee rose, Mr. Speaker resumed the chair, and Mr. Townes reported the bill without amendment: which on motion of Mr. Birney, was ordered to lie on the table.

The bill for the relief of the assessor and tax-collector and those who are in arrearages for taxes in the county of Lauderdale for the year 1819, was read the third time and passed—and the title changed from a bill to that of an act, for the relief of the assessor and tax-collector, and those who are in arrearages for taxes in the county of Lauderdale, for the year 1819.

The bill to incorporate the town of Coffeeville in the county of Clarke was read a third time, and on motion ordered, to be recommitted for engrossment and made the order of the day on monday next.

On motion of Mr. Byler, the house resolved itself into a committee of the whole, on the order of the day on sundry bills, Mr. Chapman in the chair, and after some time spent therein, the committee rose, Mr. Speaker resumed the chair, and Mr. Chapman reported that the committee had, according to order, had sundry bills under consideration, and had made sundry amendments thereto; which being handed in, Mr. Speaker asked what order it would be the pleasure of the house to take on the bill to establish the seats of justice in the counties of Autauga and Lauderdale, as reported with sundry amendments, was ordered to lie on the table; also the bill to establish two election precincts in the county of Lauderdale, as reported with an amendment, was ordered to lie on the table. Also a resolution on allowing Thomas Eastin a certain sum of money for public printing, as reported without amendment, was ordered to lie on the table.

Mr. Everitt moved the adoption of the following re

solution—*resolved*, that the Speaker of the house be authorized to employ a competent clerk to transcribe and correct under the directions of the Speaker the journals from the commencement of the session, which clerk shall be employed until the adjournment of the General Assembly; which was decided in the negative.†

Mr. Vaughan moved for the reconsideration of the last resolution, which was decided in the negative.

On motion of Mr. Everitt,‡ ordered that this house adjourn.

MONDAY, 8th November, 1819.

The house met pursuant to adjournment.

Mr. Weedon moved the adoption of the following resolution—*resolved*, that should General John Coffee, appear in the lobby of this house, the Speaker be authorised to invite him to take a seat within the bar of the same.

On motion of Mr. Owen, ordered the bill prescribing the manner in which the oath of office shall be administered to the Governor of the State and certain other officers therein named, be taken up, and ordered to be recommitted to a committee of the whole.

On motion of the same, the house resolved itself into a committee of the whole, Mr. Owen in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Owen reported, that the committee had, according to order, had said bill under consideration, and made an amendment thereto—which was read by the Speaker and concurred in.

Ordered, that the said bill be read a third time—which was done.

The house took up the order of the day on the bill to incorporate the town of Coffeeville in the county of Clarke; which was read a third time and passed.

*Ordered* that the title thereof be changed from a bill to that of an act to incorporate the town of Coffeeville in the county of Clarke.

Mr. Everitt from the committee to whom was referred the petition of James C. Gamble, reported a bill to authorize the sale of a lot for the purpose of partition.



On motion of Mr. Lamkin, *ordered* that this house adjourn to meet at the lower room of the court-house at 10 o'clock on tomorrow.

TUESDAY, Nov. 9, 1819.

The house met pursuant to adjournment.

Mr. Jones presented the petition of sundry inhabitants of Cahawba county, praying the appointment of commissioners to fix on a central seat of justice for said county, which on motion of the same was referred to the committee on county boundaries, &c.

A message from the senate—*Mr. Speaker* and gent. of the house of representatives, the senate agree to the several amendments by you proposed to be made to a bill prescribing the manner in which the oath of office shall be administered to the Governor of the state and certain other officers therein named.

Also the senate agree to the amendments by you proposed to the resolution of the senate of tuesday last, and propose to amend said amendment by striking out after the word *resolved* and inserting in lieu thereof the following, 'that he is more particularly entitled to the admiration and affection of the citizens of this state, because by his military skill and indefatigable exertions our exposed frontiers have been saved from savage inroads and the inhabitants from indiscriminate slaughter.'

3d, *Resolved* that his whole course during his military career, receives our entire approbation.

4th, *Resolved* that his visit to this place, at this time, affords us the liveliest satisfaction, as it enables us to express to him personally, the high sense we entertain of his services, and our perfect confidence in his talents, integrity and patriotism.

5th, *Resolved* that a joint committee be appointed to wait on major general Andrew Jackson, and present to him the foregoing resolutions to which the senate desire your honorable body to agree.

Mr. *Vaughan* presented the petition of John Guest praying to be released from a fine, &c. which on motion of the same, was ordered to be referred to the committee of propositions and grievances.

On motion of Mr. Lamkin, *ordered* that the house take up the message from the senate relating to the voting of the thanks of the General Assembly to maj. general Andrew Jackson, which was concurred in, and messrs. Lamkin and Everitt were appointed on the part of this house to join the committee on the part of the senate to inform him of the said resolutions.

*Ordered* that the senate be informed thereof.

Mr. Weedon moved that the house resolve itself into a committee of the whole on the bill regulating the rate of interest, which on motion of Mr. Everitt, was postponed for further consideration until thursday next.

On motion of Mr. Vaughan, *ordered* that the committee on enrolled bills have leave to sit during the sitting of this house.

The house took up the order of the day on the bill authorising the administrator of Thomas Garretson deceased to sell certain real estate, which was read a 2d time, and ordered to be engrossed and made the order of the day for its third reading on tomorrow.

Mr. Vaughan from the committee on enrolled bills reported a bill prescribing the manner in which the oath of office shall be administered to the Governor of the state and certain other officers therein named, as duly enrolled.

Mr. Weedon presented the petition of sundry inhabitants of this state, praying an alleviating law, &c. which on motion was referred to a select committee, *whereupon* messrs. Weedon, Perkins and Edmonson were appointed.

On motion of Mr. Birney, *ordered* that the bill to establish the seats of justice in the counties of Autauga and Lauderdale be taken up and read, when on motion of Mr. Gerrard, *ordered* that so much of the said bill as relates to the county of Lauderdale be stricken out.

Said bill was then read a third time as amended and passed. *Ordered* that the title thereof be changed from a bill to that of an act to establish the seat of justice in the county of Autauga.

Gen. John Coffee being announced, *Mr. Speaker* in pursuance of a resolution of yesterday invited him to take a seat within the bar of this house.

Mr. Davis gave notice that on thursday next he would ask leave to bring in a bill to alter the mode of voting in elections and for other purposes.

Mr. Dillahunty moved the adoption of the following as an additional rule for the government of this house. —Whenever a question may be put, every member who may have been present during the debates, or who may be present at the time the question is put by the speaker, shall be compelled to vote, unless the house permit them not to do so: which, on motion of Mr. Everitt, was ordered to lie on the table.

A message from the senate by Mr. Casey—*Mr. Speaker* and gentlemen of the house of representatives, the senate have adopted the following resolution to which they ask your concurrence: *Resolved* that a committee be appointed to join such committee as may be appointed by the representative branch, to wait on his excellency the Governor and inform him that both branches will convene in the representative chamber to administer to him the oath of office. forthwith; and have appointed on their part for that purpose, messrs. Casey, Chambers and Sims; which on motion of Mr. Owen, was concurred in, and messrs. Davis and Saffold were appointed a committee on the part of this house for that purpose.

On motion it was ordered that the senate be informed thereof, as also that the house is now ready to receive the senate.

The gent. of the senate being announced the members of the house of representatives arose and the senate having taken the seats assigned them—His excellency *Wm. W. Bibb*, Governor. was announced, when both branches arose. His Excellency entered the bar of the house, and Mr. Speaker, as by law directed, administered the oath of office prescribed by the Constitution, after which His Excellency the Governor arose and addressed himself to both branches, as follows, to wit.

*Gentlemen*, I avail myself of this occasion to express my acknowledgements for the proof which has been afforded me, of the public confidence. Called by the voice of our fellow-citizens, to the chief magistracy of the state, I proceed to the station with a full conviction of its high responsibilities, and with a sincere desire to promote the welfare of the country, and the happiness of the people.

We have entered on the exercise of the rights of self government, and I am persuaded, that no one has stronger inducements, to rejoice at the change in our political condition, than the individual who addresses you. A territorial government can never be acceptable to any portion of the American community : and such is the nature and extent of the powers delegated to the executive, that his acts are always viewed with suspicion and jealousy. His best deeds are seldom correctly estimated, and his unintentional errors are often ascribed to unworthy motives.

Happily for all concerned, these sources of collision and distrust, are now removed ; and we behold the gratifying spectacle of the representatives of a free people erecting and establishing the temple of Liberty.

United to the great family of American States : possessing ample resources for the advancement of learning and the diffusion of knowledge : blessed with a country abounding in navigable waters, and rich in the advantages of soil and climate, we surely cannot contemplate the high destiny that awaits us, without sentiments of profound gratitude, and without a firm determination to cherish and support a government of our choice, under which alone, such distinguished blessings can be enjoyed.

On my part I solemnly declare, that my best exertions shall be devoted to the promotion of virtue and intelligence, the only sure basis of all free institutions ; to the encouragement of obedience to the laws : to the cultivation of harmony and good will among ourselves, and with the public functionaries of our sister states, and of

the United States ; to the improvement of those natural advantages with which we are so bountifully supplied ; and to the accomplishment of every object, which according to my deliberate judgment, may tend to elevate the character of our state, and to establish its true and permanent interests. After which his Excellency withdrew.

On motion of Mr. Everitt the house adjourned.

WEDNESDAY, 10th, Nov. 1819.

The house met pursuant to adjournment.

A message from the senate by their secretary Mr. Rogers—Mr. Speaker and gentlemen of the house of representatives : the senate have passed a bill to be entitled an act to repeal certain laws therein named, to which they desire your concurrence.

On motion of Mr. Isaac Brown, ordered that Mr. Matteson have leave of absence.

Mr. Dillahanty presented the petition of sundry inhabitants of Lawrence county, praying the incorporation of the town of Courtland in said county ; which on motion of the same, was referred to a select committee—whereupon, messrs. Dillahanty, Winston and Sargeant were appointed.

Mr. Exum presented the petition of sundry inhabitants of Limestone, praying a law to reelect commissioners to fix the seat of justice of said county ; which on motion was ordered, to be referred to the committee to which it was formerly referred.

The house took up the order of the day on the bill authorising the administrator of Thomas Garretson deceased, to sell certain real estate ; which was read a third time and passed. Ordered, that the title of said bill be changed from a bill, to that of an act to authorise the administrator of Thomas Garretson deceased to sell certain real estate.

The house took into consideration the message from the senate to this house accompanying a bill to repeal certain laws therein named ; which was read the first

time and made the order of the day for its second reading on tomorrow.

On motion of Mr. Everett, ordered that the bill authorising the administrator of Thomas Garretson deceased to sell certain real estate—and the bill to incorporate the town of Coffeeville in the county of Clarke—and a bill for the relief of the assessor and tax-collector, and those who are in arrearages for taxes in the county of Lauderdale—also a bill to establish the seat of justice in the county of Antauga, (all of which have been read and passed,) be sent to the senate for their concurrence.

Mr. Winston gave notice that on friday next he would ask leave to bring in a bill to incorporate the town of Russellville.

Mr. Byler moved the adoption of the following resolution—*Resolved* by the senate and house of representatives of the state of Alabama in General Assembly convened, that a joint committee be appointed to take into consideration the expediency of presenting to the Congress of the United States, a memorial setting forth the situation of the people, and praying an extension of the time of payment on lands heretofore purchased in the Alabama Territory, or such other indulgence as may be thought just and right, by the Congress of the United States ; which on motion was ordered to lie on the table.

On motion of Mr. Dillahanty, ordered that the resolution offered by him on yesterday, as an additional rule for the government of this house, be taken up, when the question was taken on the adoption of said resolution, it was decided in the negative.

Mr. Perkins from the committee to whom was referred the petition of the inhabitants of the county of Tuscaloosa, to incorporate the town of Tuscaloosa, reported a bill, which was read the first time, and made the order of the day for its second reading on Friday next.

Mr. Owen gave notice that on Friday next, he would ask leave to introduce a bill to incorporate the town of Demopolis, and for other purposes.

Mr. Vaughan gave notice that on monday next, he would ask leave to bring in a bill to incorporate the town of Summerville, in the county of Cotaco.

Mr. Gerrard gave notice that on tomorrow, he would ask leave to bring in a bill for the encouragement of destroying wolves.

Mr. Chapman gave notice that on tomorrow, he would ask leave to bring in a bill to prevent the sacrifice of property taken under execution, and for other purposes.

Mr. Moody gave notice that on tomorrow, he would move to rescind the 27th rule for the government of this house.

On motion of Mr. Exum, ordered that messrs. Walker and Davis, be added to the select committee to whom was referred the petition of the inhabitants of Limestone county, praying the reelection of commissioners to fix on the permanent seat of justice for the county of Limestone.

On motion of Mr. Birney, ordered that this house do now adjourn.

THURSDAY, NOV. 11, 1819.

The house met pursuant to adjournment.

Mr. Murrell presented the petition of John Bethany, praying a law authorizing him to emancipate certain slaves—which on motion of Mr. Everett, was ordered to be referred to a select committee—whereupon messrs. Murrell, Everett and Thompson, were appointed

Mr. Perkins presented the petition of Samuel Marshal administrator and Elizabeth Childers, administratrix of John Childers deceased, praying a law may be passed to authorise them to sell certain real estate; which on motion was referred to a select committee—whereupon messrs. Perkins John Brown and Moody, were appointed.

Mr. Coats presented the petition of sundry inhabitants of Marengo county, praying a division thereof; which on motion was referred to the committee on county boundaries &c.

The house took up the order of the day on the bill to be entitled an act to repeal certain laws therein named, and read said bill a second time; which on motion was committed to a committee of the whole house, and made the order of the day for tomorrow.

Mr. Vaughan moved to reconsider his last motion; which was decided in the affirmative.

On motion of Mr. Vaughan, ordered that this house do forthwith resolve itself into a committee of the whole on the bill to be entitled an act to repeal certain laws therein named, Mr. Saffold in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Saffold reported that the committee had, according to order, had said bill under consideration, and beg leave to report the same without amendment; which on motion was received and agreed to.

Mr. Gerrard agreeable to notice given, asked leave to bring in a bill for the encouragement of destroying wolves and panthers—messrs. Gerrard, Lee and Saffold, were appointed the committee to bring in said bill.

Mr. Chapman agreeable to notice given, asked leave to bring in a bill to prevent the sacrifice of property taken under execution, and for other purposes; messrs. Chapman, Owen and Townes, were appointed a committee to bring in said bill.

Mr. Davis agreeably to notice given, asked leave to bring in a bill to alter the mode of voting in elections, and for other purposes—whereupon messrs. Davis and P. Fitzpatrick, were appointed a committee to bring in said bill.

On motion of Mr. Weedon, ordered that this house do forthwith resolve itself into a committee of the whole on the bill regulating interest, &c. Mr. Perkins in the chair, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Perkins reported that the committee had, according to order, had said bill under consideration, but not having gone through with the same, reported progress and ask leave to sit again on tomorrow; which was granted.

On motion ordered, that this house do now adjourn.



FRIDAY, November 12th.

The house met pursuant to adjournment.

Mr. Walker from the committee of propositions and grievances, reported a bill to authorise the county court of Dallas county to lay a tax for the purpose of erecting a jail in said county, which was read the first time and on motion, ordered to be read the second time tomorrow.

Mr. Winston moved that a committee be appointed to bring in agreeable to notice given, a bill to incorporate the town of Russellville, whereupon messrs. Winston and Sargeant were appointed.

Mr. Birney from the select committee to whom was referred the consideration of the 5th section of the 6th article of the constitution, reported a bill excluding from suffrage, serving as jurors and holding offices such persons as may be convicted of bribery, forgery, perjury and other high crimes and misdemeanors, which was read the first time and on motion made the order of the day for its second reading on tomorrow.

Mr. Townes from the committee to whom was referred the consideration of the 3d section of the 6th article of the constitution reported, a bill to suppress duelling, which was read the first time, and on motion was ordered to be read the second time tomorrow.

A message from the senate by their secretary Mr. Rogers. *Mr. Speaker*, and gentlemen of the house of representatives, The senate have passed on its third reading, a bill to be entitled an act to authorize Alle Kyle to make title to a certain tract of land, in which they desire your concurrence.

Also the senate have taken up on its third reading, a bill to be intituled an act to authorise the administratrix and administrator of Daniel W. Michaux, deceased to sell certain real estate, and propose to amend the same, by adding to the first section the following proviso, *provided* that thirty day's notice be given of the time of sale, and that the same be sold at public auction, at the court-house of the county, in which the real estate may lie.

Also by striking out the third section thereof, and inserting the following in lieu thereof:

Sec. 3d, Be it further enacted, that the said administratrix and administrator, shall before the sale of the lands herein before authorized to be sold, enter into bond with sufficient security, payable to the chief justice of the orphan's court for the county in which said lands are situate, for the disposition of the money arising from the sale of said lands agreeably to the existing laws regulating the distribution of the personal effects of deceased persons, in which they desire your concurrence. And the bill to be entitled an act authorizing Alle Kyle to make title to a certain tract of land, was read the first time and made the order of the day for its second reading on tomorrow.

Also the amendments proposed to the bill to be entitled an act to authorize the administratrix and administrator of Daniel W. Michaux, deceased, to sell certain real estate, concurred in. *Ordered* that the senate be informed thereof.

On motion of Mr. Vaughan, *ordered* that the committee on enrolled bills have leave to set during the setting of this house.

The house took up the order of the day on the bill to incorporate the town of Tuscaloosa, which was read a second time and on motion ordered to be engrossed for its third reading on tomorrow. Also the bill to be entitled an act to repeal certain laws therein named, was read a third time & passed, and was sent to the senate.

Mr. Vaughan from the committee on enrolled bills reported a bill to be entitled an act to establish the town of Triana and incorporate its trustees as duly enrolled.

Mr. Perkins gave notice that he would ask leave tomorrow to bring in a bill to prevent the practice of swindling and fraud at the different land sales within this state.

On motion of Mr. Weedon, the house resolved itself into a committee of the whole on the bill regulating the rate of interest, Mr. Perkins in the chair, and after

some time spent therein, *Mr. Speaker* resumed the chair and *Mr. Perkins* reported that the committee had, according to order, had said bill under consideration and made sundry amendments thereto, which on motion was ordered to lie on the table.

On motion of *Mr. Owen*, ordered that this house do now adjourn.

*Saturday, Nov. 13th, 1819.*

The house met pursuant to adjournment.

*Mr. Winston* presented the petition of sundry inhabitants of Madison county, praying that an alleviating law might not pass, which was read and on motion was ordered to lie on the table.

*Mr. Weedon* presented the petition of sundry citizens of ——— district, praying an alleviating law; which was read and ordered to lie on the table.

*Mr. Chapman* from the committee appointed to bring in a bill to prevent the sacrifice of property taken under execution, presented said bill which being read the first time—on motion of *Mr. Saffold*, was postponed until the 1st day of August next, the ayes and noes being demanded, they were as follows:

AYES—*Mr. Speaker* Byler, Isaac Brown, Bates, Cleveland, Carson, Coats, Dennis, Edmonson, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hudwich, Harrison, Jones, King, Lee, Murrell, *McBee* Owen, Saffold, Sargent, Sunms, Thompson, Taylor, Wilson, Watts & Winston, 30.

NOES—Messrs. Birney, Bigham, John Brown, Creagh, Chapman, Dale, Dillahanty, Gerrard, Lanekin, Moody, *McCarley*, Perkins, Townes, Vaughan, Whitaker, Walker, Weedon, and Wetherou, 18

*Mr. Owen* from the Judiciary committee, reported in part a bill to establish a court of ordinary, which being read the first time, was on motion made the order of the day for its second reading on monday next.

*Mr. Gerrard* from the committee appointed to bring in a bill for the encouragement of the destruction of wolves and panthers, reported a bill, which being read the first time, was on motion made the order of the day for its second reading on monday next.

*Mr. Winston* from the committee appointed to bring in a bill to incorporate the town of Russellville, reported a bill, which being read the first time, was on mo-

tion made the order of the day for its second reading on Monday next.

Mr. Owen in pursuance of notice given, asked leave to bring in a bill to incorporate the town of Demopolis and for other purposes; which was granted, messrs. Owen and Harrison, were appointed a committee to bring in said bill.

Mr. Vaughan in pursuance to notice given, moved a committee to be appointed to bring in a bill to incorporate the town of Summerville in the county of Cota-co—whereupon messrs. Vaughan and M'Carley were appointed.

Mr. Perkins moved that a committee be appointed to bring in a bill to prevent the practice of swindling and fraud at the different land sales within this state, in pursuance of notice given—whereupon messrs. Perkins, Bates and King, were appointed.

The house took up the order of the day on the bill to incorporate the town of Tuscaloosa; which was read the third time and passed. Ordered, that the title thereof be changed from a bill, to that of an act to incorporate the town of Tuscaloosa, and sent to the senate for their concurrence. Also the bill to prevent duelling, which being read the second time, was on motion ordered to be committed to a committee of the whole house on Tuesday next. Also a bill excluding from suffrage, serving as jurors and holding offices, such persons as may be convicted of bribery, perjury, and other high crimes and misdemeanors, which being read the second time, was on motion ordered to be engrossed for its third reading on Tuesday next.

Also, a bill to authorise the county court of Dallas county to levy a tax to pay for building a jail in said county; which being read a second time, was on motion made the order of the day for its third reading on Tuesday next. Also, a bill to authorise Alle Kyle, to make title to a certain tract of land, which being read the second time, was on motion made the order of the day for its third reading on Monday next.

A message from the senate by their secretary Mr. Rogers—Mr. Speaker and gentlemen of the house of representatives: the senate have passed on the third and last reading, a bill to be entitled an act to incorporate the town of Claiborne in the county of Monroe.

Also, a bill to be entitled on act to provide for the establishment of the seat of justice in the county of Franklin.

Also a bill to be entitled an act authorising William Russell, sen. and Joshua Gotcher, to sell certain lands therein named.

Also, a bill to be entitled an act to establish certain counties therein named; which last mentioned bill being read the first time, was on motion of Mr. Birney, ordered to lie on the table.

On motion ordered, that this house do now adjourn.

MORNDAY, November 15, 1819.

The house met pursuant to adjournment.

Mr. Dillahunty presented the petition of sundry inhabitants of — county, praying that a law be passed to establish pilots at the Muscle shoals; which being read, was on motion of Mr. Dillahunty, referred to a select committee—whereupon messrs. Dillahunty, J. Fitzpatrick and Creagh, were appointed.

Mr. Lamkin from the joint committee on the part of this house to present to Major General Andrew Jackson, the resolutions expressing the thanks of the General Assembly to him, reported that they had performed that service, and had received for answer the following:

*Gentlemen*:—I have received with the highest satisfaction the resolutions of the General Assembly of the state of Alabama; the honor conferred on me, by your legislative body, is accepted with feelings of the warmest sensibility. The first pride of the soldier, should be to discharge the duties of the field with zeal and fidelity; and the first reward, the approbation of his countrymen; and it is a source of peculiar satisfaction

to have received the manifestation of the confidence of those, who have gloriously participated in the fatigues and dangers of the camp. As a testimony of my gratitude for the high sense of my public services which you have been pleased to express, permit me gentlemen to present to you, and through you, to the honorable body of which you are a committee, the assurance of my high consideration and regard.

I am Gentlemen,

very respectfully

your obedient servt.

ANDREW JACKSON.

(Signed.)

*Maj. Howell Rose, Chairman committee.*

On motion of Mr. Everett, *resolved* by the senate and house of representatives of the state of Alabama in general assembly convened, that the joint committee appointed to contract for the public printing, be instructed to contract for the printing of ——— copies of the acts of the general assembly and ——— copies of the journals of the senate and ——— copies of the house of representatives, which was read the first time, and on motion made the order of the day for its second reading on tomorrow.

Mr. Owen from the committee appointed to bring in a bill to incorporate the town of Demopolis and for other purposes, reported a bill under that title, which being read the first time. was on motion of Mr. Owen, made the order of the day for its second reading on tomorrow.

Mr. Birney moved that the resolution setting forth the situation of the people of this state to the congress of the United States, be taken up, which being read the second time and amended, was on motion, ordered to be engrossed and made the order of the day for its third reading on tomorrow.

A message from the Governor by Mr. Sargeant, assistant sec'ry to the senate—Mr. Speaker and gentlemen of the house of representatives: I am directed by the Governor, to inform you that he did on the 13th inst.

approve and sign an act to establish the town of Triana and incorporate its trustees, which originated in the house of representatives.

The house took up the order of the day on the bill to be entitled an act authorising Wm. Russell and Joshua Gotcher, to sell certain lands therein named; which being read the first time was, on motion of Mr. Sargeant made the order of the day for its second reading on tomorrow.

Also a bill to be entitled an act to provide for the establishment of the seat of justice in the county of Franklin; which being read the first time was, on motion of Mr. Sargeant, made the order of the day for tomorrow.

Also on the bill to be entitled an act to incorporate the town of Claiborne in the county of Monroe; which being read the first time was, on motion of Mr. Owen, made the order of the day for its second reading on tomorrow.

Also a bill for the encouragement of the destruction of wolves and panthers; which being read the second time was, on motion of Mr. Everett, ordered to be committed to a committee of the whole house on tomorrow.

Also a bill to incorporate the town of Russellville, which being read the second time was, on motion of Mr. Seargant, ordered to be engrossed for its third reading on tomorrow.

Also a bill to authorise Alle Kyle to make title to a certain tract of land, which was read the third time and passed and returned to the senate.

Also a bill to establish a court of ordinary, which being read the second time was, on motion ordered to lie on the table.

On motion of Mr. Lamkin, ordered that Mr. Dillahunty have leave of absence for four days.

A message from the senate by Mr. Sargent, assistant secretary—Mr. Speaker and gentlemen of the house of representatives: I am instructed to inform your honorable body that the senate have passed on their third

reading an act to incorporate the town of Coffeeville in the county of Clarke—and an act to establish the seat of justice in the county of Autauga. And they have also passed on their third reading, an act to fix the seat of justice in the county of Lawrence,—and an act to enable the Governor to ascertain the quality and value of certain lands therein named, to which they desire your concurrence—which last mentioned bill was read the first time, and on motion made the order of the day for its second reading on tomorrow.

Also the bill to fix on the seat of justice in the county of Lawrence, which being read the first time was, on motion of Mr. Perkins, ordered to lie on the table.

Mr. Bates gave notice that on to morrow, he would ask leave to bring in a bill to prevent malicious mischief.

Mr. Weedon gave notice that on Thursday next he would ask leave to bring in a bill to regulate the fees of practicing physicians.

On motion of Mr. Vaughan, ordered that the following amendment be made to the fortieth rule for the government of this house (to wit :) after the word “committee” insert the words “other than that on enrolled bills”.

On motion ordered, that this house do now adjourn.

TUESDAY, Nov. 16, 1819.

The house met pursuant to adjournment.

The house according to the order of the day proceeded to the consideration of the bill to incorporate the town of Russelville in the county of Franklin—which was read a third time and passed.

Ordered that the title thereof be changed from a bill to that of an act to incorporate the town of Russelville in the county of Franklin.

Also on the resolution proposing to present the Congress of the United States with a memorial shewing the situation of the people of this state, and praying further indulgence for paying for the lands sold in the Alabama Territory, which being read a third time was, on motion ordered to lie on the table.



Also on the bill excluding from suffrage, serving as jurors &c. which was read a third time and passed—and ordered that the title thereof be changed from a bill to an act, excluding from suffrage, serving as jurors and holding offices, such persons as may be convicted of bribery, forgery, perjury, and other high crimes and misdemeanors.

Also on a resolution relative to public printing, which being read the second time was, on motion of Mr. Everett, ordered to be engrossed for a third reading on tomorrow.

Also on the bill to provide for the establishment of the seat of justice in the county of Franklin, which being read a second time was, on motion, made the order of the day for its third reading on to morrow.

Also on the bill to authorise the county court of Dallas county to levy a tax &c. which was read a third time and passed—and on motion the title changed from a bill to that of an act, to authorise the county court of Dallas county to levy a tax to pay for building a jail in said county.

Also on the bill to incorporate the town of Claiborne in the county of Monroe, which being read the second time was made the order of the day for its third reading on tomorrow.

Also on the bill to authorise the Governor to ascertain the quality of certain lands, which being read the second time, Mr. Weedon moved that said bill be laid on the table. which was decided in the negative. On motion of Mr. Owen, it was made the order of the day for its third reading on tomorrow.

Also on a bill to incorporate the town of Demopolis and for other purposes which being read a second time was, on motion of Mr. Owen, *ordered* to be engrossed for its third reading on tomorrow.

Also on the bill to authorise Wm. Russell and Josh. Gotcher to sell certain lands therein named, which being read a second time was, on motion of Mr. Winston, made the order of the day for its 3d reading, tomorrow.

A message from the senate by Mr. Sargent assistant secretary—*Mr. Speaker*, and gent. of the house of representatives, I am instructed to inform your honorable body that the senate have passed on its third reading, an act to incorporate the town of Montgomery in the county of Montgomery to which they desire your concurrence, which bill was read the first time, and on motion of Mr. J. Fitzpatrick, made the order of the day for a second reading tomorrow.

Mr. Perkins from the committee to whom was referred the petition of Samuel B. Marshal and E. Childers, reported a bill to authorise the administrator and administratrix of John Childers deceased, to sell real estate, which being read a first time was, on motion of Mr. Perkins made the order of the day for the second reading tomorrow.

Mr. Perkins from the committee appointed to bring in a bill to prevent the practice of smuggling and fraud at the different land sales in this state, reported a bill under that title, which being read a first time, was, on motion of Mr. Perkins, postponed for the order of the day for its second reading on tuesday next.

Mr. Weedon moved that the report of the committee of the whole on the bill regulating the rate of interest be taken up, which was resolved in the affirmative, and on motion of Mr. Owen, said report was referred to a select committee, *whereupon* on motion of Mr. J. Brown, messrs. Weedon, Owen, Birney, Townes and Chapman were appointed.

On motion of Mr. Vaughan the house resolved itself into a committee of the whole on the order of the day on the bill to suppress duelling. Also on the bill for the encouragement of destroying of wolves and panthers, Mr. Lamkin in the chair, and after some time spent therein, *Mr. Speaker* resumed the chair, and Mr. Lamkin reported that the committee had, according to order, had said bill under consideration and made sundry amendments to each, which on motion of Mr. Lamkin were ordered to lie on the table.

Mr. Perkins moved the adoption of the following resolutions, to wit:— *Whereas* great inconvenience and expense will accrue to the citizens of the counties of Blount Marion. Tuscaloosa and Marengo by being compelled to attend distant land sales to purchase the lands upon which they live, and as by procuring a land-office at Tuscaloosa the most central place of the unsold lands in the western part of this state, would obviate this inconvenience and extraordinary expense, and by this means promote the interest of a large portion of our citizens without damage to others, *Therefore*

Be it resolved by the senate and house of representatives of the state of Alabama in General Assembly convened that the senators and representative in Congress from this state, be and they are hereby requested to make use of their influence to procure a land-office at the town of Tuscaloosa in this state, for the purpose of disposing of the public lands more convenient to that place than other land-offices in this state.

And be it further resolved that they be and are hereby also requested to endeavor to have it enacted by the Congress of the United States, that when any lands are sold in this state after the month of March in each year in the possession of any occupant or occupants, he, she or they shall not be dispossessed until they shall have made and gathered their crops: provided that be done by the last of Dec. in the same year, which was, on motion of Mr. Birney, ordered to lie on the table.

On motion of Mr. Bates, ordered that this house do now adjourn. Wednesday, Nov. 17th, 1819.

The house met pursuant to adjournment.

Mr. P. Fitzpatrick from the joint committee on the part of this house, on so much of the Governor's communication as relates to county boundaries, &c. reported, that the bill for the purpose of establishing the boundaries of the counties therein named, received from the senate, be and is the report of the said committee with the addition of the county of Jackson which has been added by amendment.

Mr. Everett from the committee to whom was referred the petition of John Bethney reported a bill to authorize John Bethney to emancipate certain slaves therein named, which being read the first time was, on motion of Mr. Everett made the order of the day for its second reading on tomorrow.

Mr. Lamkin, from the military committee, reported a bill to provide for the organization and discipline of the militia of the state of Alabama, which being read the first time, Mr. Lamkin moved that one hundred copies of said bill be printed for the use of this house, which was decided in the negative.

Mr. Chapman moved that said bill be read a second time on Tuesday next, which was decided in the negative.

Mr. Lamkin moved that said bill have a second reading on monday next, which was decided in the negative. Mr. Lamkin, moved that said bill have a second reading on Saturday next, which was decided in the negative. Mr. Chapman, moved that said bill have a second reading on Friday next, which was decided in the negative. On motion of Mr. Bates, ordered that said bill be made the order of the day for its second reading tomorrow.

On motion of Mr. Owen, ordered that this house do now take up the bill to establish certain caunties therein named.

Mr. Fitzpatrick of Montgomery, moved to amend the 4th sec. of said bill by striking out the words "twelve and thirteen", in the 4th line thereof, and inserting in lieu thereof "eleven and twelve," which was decided in the negative.

Mr. King moved to amend the 7th sec. of said bill by striking out the words "to the township line," and inserting in lieu thereof "thence east to the range line."

Mr. Bates moved that Joseph Lowry and John Gaston, be added to the number of commissioners for the county of Wilcox, which was decided in the affirmative.

Mr. Perkins moved that the names of the commis-

sioners for the county of Greene be stricken out, which was decided in the affirmative.

Mr. Birney moved to amend the 17th sec. of said bill by striking out the words "Flint river" in the last line thereof, and inserting in lieu of the same the words "the present Madison county line and of Flint river, after it has left Madison county." Also the 19th sec. by striking out the words "West of Flint river and North of Tennessee river" and inserting in lieu thereof the following, "between the present Madison county line and Flint river," which was decided in the affirmative. Mr. Chapman moved to amend the 31st sec. of said bill, by striking out the words "Crowcreek" in the last line, and inserting in lieu thereof the words "Mud creek," which was decided in the affirmative. Mr. Coats moved the following as an additional section to said bill.

*Sec. 38*—"And be it further enacted, that the temporary seat of justice for Greene county, shall be in the town of Erie, or some other place contiguous thereto until otherwise provided for by law," which was decided in the affirmative. Mr. Watts moved to add the following amendment to the end of said bill. "And be it further enacted, that Bartley Walker, James Salter, John Speir, Radford L. Cotton and Robert Smilie, be & they are hereby appointed commissioners, who are authorised or a majority of them, to fix on a site for the public buildings in the county of Conecuh, and the said commissioners or a majority of them are hereby authorised to purchase any quantity of land not exceeding one quarter section, for the purpose of erecting said buildings on, which land when so purchased shall be for the use and benefit of the said county, to be disposed of as the commissioners may deem most expedient," which was decided in the affirmative—and on motion of Mr. Owen, ordered that the said bill be read a third time tomorrow.

Mr. Edmonson moved that the house adjourn, which was decided in the negative.

The house according to order of the day proceeded to the consideration of the bill to authorise the administrator and administratrix of John Childers deceased to sell real estate, which being read a second time, when Mr. Chapman moved to amend said bill by adding after the word "county" in the last line of the first section the word "or counties," which was decided in the affirmative, when on motion of Mr. Vaughan, said bill was ordered to be engrossed and read a third time on tomorrow.

Also on the bill to authorise Wm. Russell sen. and Joshua Gotcher, to sell certain lands therein named, which was read a third time and passed

Also on the bill to provide for the establishment of the seat of justice in the county of Franklin, which was read a third time and passed, and ordered to be sent to the senate.

Also on the bill to incorporate the town of Montgomery in the county of Montgomery, which being read a second time was on motion made the order of the day for its third reading on tomorrow.

Also on the bill to enable the Governor to ascertain the quality and value of certain lands therein named—which on motion of Mr. Chapman, was amended by way of rider, when it was read a third time and passed and ordered to be returned to the senate—the ayes and nays being demanded they were as follows to wit:

AYES—Mr. Speaker, Byler, Birney, Bigham, Isaac Brown, Bates, Creedon, Creagh, Chapman, Dale, Davis, Edmonson, Exum, J. Fitzpatrick, Gerard, Hill, Hardwich, Harrison, Jones, King, Lanekin, Lee, Murrell, Moody, McBee, Matterson, McCarley, Sargeant, Simms, Thompson, Townes, Vaughan, Whitaker, Walker, Wellbourn, Watts & Winston.

NOES—Messrs. John Brown, and Weedon.

Mr. Walker, presented the account, of Irby, Jones for room rent, which being read, was on motion referred to a select committee—whereupon messrs. Walker, Everett, and Harrison, were appointed.

On motion, ordered that this house do now adjourn until tomorrow morning 9 o'clock.

THURSDAY, Nov. 18, 1819.

The house met pursuant to adjournment.

Mr. Owen from the judiciary committee, reported

a bill to regulate the proceedings of the courts of law & Equity within this state, which being read the first time, when Mr. Townes, moved that said bill have a second reading on Tuesday next, which was decided in the negative.

Mr. Sims moved that said bill be read a second time on Saturday next, which was decided in the negative.

Mr. Chapman moved that said bill be made the order of the day for its second reading on tomorrow, which was decided in the affirmative.

A message from the senate by messrs. Harwell and Ware—Mr. Speaker and gentlemen of the house of representatives: the senate have passed an act to provide for examining certain rivers therein named, and for other purposes.

An act for the government of the "town of Cahawba—and an act for establishing the permanent seat of justice in Cahawba county, to which they desire your concurrence, and then they withdrew—when the said last mentioned bill being read the first time was, on motion of Mr. Jones, made the order of the day for a second reading on tomorrow.

A message from the senate by their secretary Mr. Rogers—Mr. Speaker and gentlemen of the house of representatives: the senate concur in the amendment by you proposed to be made to an act to enable the Governor to ascertain the quantity and value of certain lands in this state, and then he withdrew.

Mr. Walker from the committee to whom was referred the petition of Irby Jones, reported a bill for the relief of said Jones, which being read the first time, was, on motion made the order of the day for a second reading on tomorrow.

Mr. Vaughan from the committee appointed to bring in a bill to incorporate the town of Summerville in the county of Cotaco, reported a bill under that title, which being read the first time, was on motion, made the order of the day for a second reading on tomorrow.

Mr. Exum from the committee to whom was referred the petition of sundry inhabitants of Limestone county,

praying a reelection for commissioners to fix on a site for the seat of justice in said county, report that they have had the same under consideration, and from the documents accompanying said petition, and the examination of the law on the subject, they are of opinion that the election for said commissioners, was not held strictly according to law, owing to the laws not coming forward time enough for the sheriff to advertise the same: yet they are of opinion that the said election was fairly conducted, and your committee are of opinion the commissioners who were elected, have fixed upon the most eligible site and near the center of the county for the public buildings, and a contract having been entered into for that purpose under the direction of the county court, we recommend that a law be passed to make permanent the site the said commissioners have fixed on—therefore your committee ask leave to report a bill for that purpose, which was received and read a first time, and on motion, made the order of the day for a second reading on tomorrow.

Mr. Birney gave notice that on tomorrow he would ask leave to bring in a bill to incorporate the Huntsville Library company, when messrs. Birney, Townes and Chapman were appointed a committee to bring in said bill.

Mr. Walker from the committee of propositions and grievances, to whom was referred the petition of John Guest, moved to be discharged from the further consideration thereof, which was decided in the affirmative.

On motion of Mr. Byler, the house took up the bill to establish election precincts in the county of Lauderdale; when on motion of Mr. Moody, ordered that said bill lie on the table.

The house according to the order of the day, proceeded to the consideration of the bill to authorise John Bethany, to emancipate certain slaves, which being read a second time, was on motion, order to be engrossed for a third reading on tomorrow.

Also the bill to incorporate the town of Montgomery,



in Montgomery county, which was read a third time and passed. Ordered, that the title be changed from a bill to an act, to incorporate the town of Montgomery in the county of Montgomery, and returned to the senate informing them thereof.

Also the bill to incorporate the town of Claiborne in the county of Monroe, which was, on motion of Mr. Owen, amended by adding to the end of the 4th sec. the following words "also the power of taxing billiard tables," when it was read a third time and passed. Ordered, that the title be changed from a bill to an act to incorporate the town of Claiborne, in the county of Monroe, and returned to the senate, informing them thereof.

On motion of Mr. Owen, the house resolved itself into a committee of the whole on the joint resolution relative to the contracting for the public printing, Mr. Owen in the chair, and after some time spent therein Mr. Speaker resumed the chair, and Mr. Owen reported that the committee had, according to order, had said resolution under consideration, and had made sundry amendments thereto, which were received and agreed to—when said resolution as amended, was read a third time and passed. Ordered, that it be sent to the senate for their concurrence.

Also the bill to authorise the administrator and administratrix of John Childers, deceased, to sell real estate, which was read a third time and passed.

*Ordered* that the title be changed from a bill to an act to authorise the administrator & administratrix of John Childers, deceased, to sell real estate, and sent to the senate for their concurrence.

Also the bill to incorporate the town of Demopolis and for other purposes, which was read a third time and passed. *Ordered* that the title be changed from a bill to that of an act to incorporate the town of Demopolis and for other purposes, and sent to the senate for their concurrence. Also the bill to provide for the organization and discipline of the militia of this state.

Mr. Townes moved that the house resolve itself into

committee of the whole on said bill, which was decided in the negative.

Mr. Everett moved that this house do now adjourn, which was decided in the negative.

Mr. Everett moved that said bill lie on the table, which was decided in the affirmative.

Mr. Birney moved that the military committee be instructed to bring in a bill regulating patrols, which was decided in the affirmative.

Also an act to establish certain counties therein named was read a third time and passed, and the title amended by the words following thereto, *and for other purposes therein mentioned*. Ordered that said act, with the amendments, be sent to the senate.

On motion of Mr. Dale, *ordered* that this house do now adjourn.

FRIDAY, November 19th.

The house met pursuant to adjournment.

Mr. Byler from the select committee to whom was recommitted, a bill to prevent abuses in taking up strays, reported said bill, which was received and read, when

On motion of Mr. Bates, *ordered* that the house resolve itself into committee of the whole on said bill, Mr. Edmonson in the chair, and after some time spent therein, *Mr. Speaker* resumed the chair and Mr. Edmonson reported that the committee had, according to order, had said bill under consideration and had made sundry amendments thereto, which was received and ordered to lie on the table.

A message from the senate by Mr. Trotter—*Mr. Speaker* and gentlemen of the house of representatives, The senate have adopted the following resolution in which they ask your concurrence, *Whereas* from a want of mutual understanding between the two branches of the present legislature, several difficulties have occurred, and more likely to arise by bills being presented in each house embracing the same object, which causes a great delay of business: Be it therefore resolved that a committee on the part of the senate, be appointed to

act with such members as may be appointed by the house of representatives, to confer on the subject on which each branch have acted separately, and also fix on some joint rules to form a more close connexion for the purpose of accelerating the business of the General Assembly, and have appointed on their part messrs. Farmer, Harwell and Trotter, which was disagreed to, *ordered* that the senate be informed thereof, as also that messrs. Owen, Birney and Chapman were appointed on the part of this house a committee to draft joint rules for the government of both houses.

A further message from the senate by Mr. Trotter, *Mr. Speaker* and gentlemen of the house of representatives, The senate have passed an act to authorise Th. Johnson to manumit a certain person of color therein named.

An act to prevent the obstruction of the navigable water courses in this state.

An act to repeal the 1st and 2d sections of the act entitled an act for the government of gin-holders passed 16th Nov. 1818. Also an act to provide for the sale of lots in the town of Cahawba and for other purposes—they have also passed an act to incorporate the town of Tuscaloosa ; and an act to establish and incorporate the town of Russelville in the county of Franklin, which originated in the house of representatives, both of which we have amended by rider, to which they ask your concurrence. A bill to authorise the administrator of Th. Garretson, deceased, to sell real estate, was read as amended and concurred in.

Also a bill to establish the seat of justice in Cahawba county, which was read the second time, and on motion of Mr. Hardwich made the order of the day for a third reading on tomorrow. Also a bill to incorporate the town of Summerville in the county of Cotoaco, which being read the second time, was on motion of Mr. Vaughan, made the order of the day for its third reading tomorrow. Also a bill to establish the permanent seat of justice in Limestone county, which being read a second time, was on motion of Mr. Davis, *ordered* to be engros-

sed and made the order of the day for its 3d reading tomorrow. Also a bill to authorise John Bethney to emancipate certain slaves therein named, which being read a third time, was on motion of Mr. Creagh, *ordered* to lie on the table. Also a bill to examine certain rivers therein named and for other purposes, which being read the first time, was on motion of Mr. Sims, *ordered* to be read a second time on tomorrow. Also a bill for the government of the town of Cahawba, which being read the first time, was on motion of Mr. King, *ordered* to be read the second time tomorrow.

Also on the bill to prevent the obstruction of the navigable water courses of this state, which was read the first time and *ordered* to be read a 2d time tomorrow.

Also on the bill to authorise the sale of lots in the town of Cahawba, which was read the first time, and on motion of Mr. Townes *ordered* to lie on the table.

Also a bill to authorise Thos. Johnson to manumit a certain boy of color, read the first time, and on motion of Mr. Birney, *ordered* to lie on the table. Also a bill to incorporate the town of Tuscaloosa as amended by the senate, was read, and on motion of Mr. Sims *ordered* to lie on the table. Also a bill to incorporate the town of Russelville as amended by the senate, was read and motion of Mr. Bates concurred in.

Also a bill for the relief of Irby Jones, read the second time, and *ordered* to be engrossed for a third reading tomorrow.

Mr. Vaughan from the committee on enrolled bills reported sundry bills as duly enrolled.

On motion of Mr. Chapman, *ordered* that this house adjourn until 3 o'clock this evening.

3 o'clock.

The house met pursuant to adjournment.

On motion of Mr. Lamkin, *ordered* that this house take up the bill to provide for the organization of the militia of this state, which was read and amended in sundry instances; in some of which the ayes and noes were called for, to wit, on motion of Mr. Weeden, on

striking out the words *Brigadier General and field officers of their respective divisions* in the 5th section.

Those who voted in the affirmative, were, Messrs. Byler, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dennis, Everett, P. Fitzpatrick, J. Fitzpatrick, Gerrard, Hill, Hardwich, Jones, King, Mc Bee, Matterson, McCarley, Sims, Taylor, Vaughan, Whitaker, Walker, Weedon and Watts.—27.

Those who voted in the negative, were, Messrs. Speaker, Dale, Davis, Edmonson, Exum, Harrison, Lanekin, Lee, Murrell, Moody, Owen, Saffold, Sargeant, Thompson, Townes, and Winston.—10.

Also the ayes and noes were called for on the motion of Mr. Weedon for filling up the blank with the words *all persons liable to do militia duty in their respective divisions,*

Those who voted in the affirmative, were, Messrs. John Brown, J. Fitzpatrick, Jones, McBee, McCarley and Weedon—6.

Those who voted in the negative, were, Messrs. Speaker, Byler, Birney, Bigham, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Davis, Edmonson, Exum, Everett, P. Fitzpatrick, Gerrard, Hill, Hardwich, Harrison, King, Lanekin, Lee, Murrell, Moody, Matterson, Owen, Saffold, Sageant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Watts and Winston—35.

On motion of Mr. Birney, ordered that this house do now adjourn.

*Saturday, Nov. 20th, 1819.*

The house met pursuant to adjournment.

Mr. Hardwich, gave notice that on monday next he would ask leave to bring in a bill to change the name of St. Clair county, to that of Jasper.

Mr. Gerrard, gave notice that on monday next he would ask leave to bring in a bill to prevent the carrying concealed weapons, except in certain cases.

Mr. Byler gave notice that on monday next he would ask leave to bring in a bill to establish the seat of justice in the county of Lauderdale.

Mr. Weedon from the select committee to whom was committed the bill regulating the rate of interest, reported the same which was read the first time, and on motion of Mr. Owen made the order of the day for a second reading on monday next.

Mr. Vaughan from the committee on enrolled bills, reported an act to provide for the establishment of the seat of justice in the county of Franklin, which originated in the senate, as duly enrolled.

The house then proceeded to the further consideration of the bill to provide for the organization and discipline of the militia of this state, which being read the second time was, on motion of Mr. Birney ordered to be engrossed, and made the order of the day for Thursday next.

A message from the senate by Mr. Gause, as follows, *Mr. Speaker* and gent. of the house of representatives, The senate have passed an act excluding from suffrage, serving as jurors and holding offices such persons as may be convicted of bribery, forgery, perjury and other high crimes and misdemeanors, which originated in the house of representatives. They also concur with your honorable body in the several amendments to an act to establish certain counties therein named, and for other purposes.

On motion of Mr. Davis, ordered that this house do now adjourn.

MONDAY, 22d. November, 1819.

The house met pursuant to adjournment.

Mr. Everett, from the committee on salaries, reported a bill affixing salaries to certain officers within the state of Alabama. which being read the first time was on motion of Mr. Everett made the order of the day for a second reading on tomorrow.

Mr. Vaughan from the committee on enrolled bills reported an act authorizing William Russel, senior, and Joshua Gotcher to sell certain lands therein mentioned.

Also an act to incorporate the town of Claiborne in the county of Monroe, which bills originated in the senate, as duly enrolled.

Mr. Hardwich agreeably to notice given on saturday moved that a committee be appointed to bring in a bill to change the name of St. Clair county to that of Jasper — *whereupon* messrs. Hardwich, I. Brown and J. Fitzpatrick were appointed.

On motion of Mr. Everett, ordered that the bill to authorize John Bethany to emancipate certain slave therein named be taken up, when on the question being tak-

on on its passage it was decided in the affirmative and the title changed from a bill to that of an act to authorise John Bethany to emancipate certain slaves therein named, and sent to the senate for their concurrence.

Mr. Everett moved the adoption of the following resolution: *Resolved* by the senate and house of representatives of the state of Alabama in General Assembly convened, that no petitions or bills except bills of a general nature shall be received by either branch of the General assembly, after Friday next, which was read the first time and on motion of Mr. Everett made the order of the day for a second reading on tomorrow.

The house proceeded to the consideration of the order of the day on the bill to repeal the first and second sections of an act entitled an act for the government of gin-holders passed the 16th November 1818, which being read the first time was made the order of the day for a second reading on tomorrow.

Also on the bill to prevent the obstruction of the navigable water courses in this state which was read the second time and made the order of the day for a third reading on tomorrow.

Mr. Owen from the joint committee appointed to take into consideration so much of the Governor's communication as relates to the town of Cahawba, reported that the bill introduced in the senate, and passed three readings in that body, and sent to the house of representatives together with a bill to authorise the Governor to dispose of lots in said town, and for other purposes is the joint report of said committee, which was concurred in.

The house resumed the order of the day on the bill for the government of the town of Cahawba, which was read the second time, and on motion of Mr. Owen made the order of the day for a third reading on tomorrow.

On motion of Mr. Owen ordered that the bill to provide for the sale of lots in the town of Cahawba be taken up, and read a second time. Mr. Winston moved to strike out the seventh section of said bill, which was

decided in the affirmative, the ayes and noes being demanded they were as follows,

Those who voted in the affirmative, were, Messrs Bigham, J. Brown, I. Brown, Coats, Dennis, Exum, Gerrard, Hill, Lanekin, Murteli, Moody, McBee, Perkins, Sargent, Sims, Thompson, Towns, Vaughan, Whitaker, Walker, Weeden, Welbourn, Watts and Winston, 24.

Those who voted in the negative, were Messrs. Mr. Speaker, Byler, Bates, Cleveland, Creagh, Dale, Dillahunty, Edmunson, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Harrison, Jones, King, Lee, Matterson, Owen, Saffold, Taylor, and Wilson 21.

On motion of Mr. Dale, *ordered* to be read the third time to morrow.

A message from the Senate by Mr. Gause,—Mr. *Spnker*, and *Gentlemen of the House of Representatives*; The Senate have passed an act, to authorize the County Court of Dallas county, to lay a tax to build a jail in said county, which originated in the House of Representatives.

On motion of Mr. Everett ordered that this house do now take up the resolution making an appropriation to Thomas Eastin for public printing, when the question was taken on its passage, it was rejected.

The house again resumed the order of the day on the bill to provide for the examination of certain rivers therein named, which was read the second time, and on motion of Mr. Owen, made the order of the day for a third reading on tomorrow.

Also on the bill to establish the permanent seat of justice in the county of Cahawba, which was read the third time and passed, ordered to be returned to the senate.

Also on the bill to establish the permanent seat of justice in Limestone county, which was read the third time and passed, and the title changed from a bill to that of an act to establish the permanent seat of justice in Limestone county, and ordered to be sent to the senate.

Also on the bill to establish the town of Summerville in the county of Cotaco, was read the third time and passed, and the title changed from a bill to that of an act, to establish the town of Summerville in the county of Cotaco, and ordered to be sent to the senate.



On motion of Mr. Townes, ordered that the report of the committee of the whole on the bill suppressing duelling be taken up, which was read, and on motion of Mr. Vaughan, ordered to be engrossed and made the order of the day for a third reading on tomorrow.

A message from the senate by Mr. Chambers—Mr. Speaker and gentlemen of the house of representatives: the senate have adopted the following resolution, to which they desire your concurrence—*Resolved*, that both houses of the General Assembly of the state of Alabama, convene in the representative chamber, on Thursday next, at the hour of three o'clock, for the purpose of electing a secretary of state, auditor of public accounts, treasurer, adjutant and quarter master general, which was disagreed to.

Ordered, that the senate be informed thereof.

Mr. Weedon moved to take up the bill regulating the rate of interest, which was decided in the negative.

On motion of Mr. Gerrard, ordered that the report of the committee of the whole on the bill for the encouragement of the destruction of wolves and panthers, be taken up, which was read and concurred in, and ordered to be engrossed for a third reading on tomorrow.

Mr. Dennis, one of the majority on the question for striking out the 7th section of the bill authorising the sale of lots in the town of Cahawba, moved to reconsider the vote taken thereon, which was decided in the affirmative—the ayes and nays being demanded, they were as follows, (viz:)

Those who voted in the affirmative are Messrs. Speaker, Tyler, Binney, Bigham, Bites, Cleveland, Creagh, Chapman, Dale, Dennis, Davis, DeLahunty, Edmonson, Everitt, P. Fitzpatrick, J. Fitzpatrick, Gerrard, Hill, Hardwick, Harrison, Jones, King, Lanikin, Lee, Matterson, Owen, Saffold, Townes, Taylor, and Winston, 29.

Those who voted in the negative are Messrs. Binney, John Brown, Isaac Brown, Coats, Exum, Martell, Moody, McElie, McCarley, Perkins, Seargent, Sims, Thompson, Vaughan, Whitaker, Walker, Weedon, Wellborne and Winston, 19.

When said bill was, on motion of Mr. Everett ordered to lie on the table.

Mr. John Brown gave notice that on tomorrow, he

would ask leave to bring in a bill to authorise the commissioners that have been appointed to select a site for the seat of justice of Jefferson county, to purchase one quarter section of land for that purpose. and that a committee be appointed to bring in said bill—whereupon messrs. John Brown and Isaac Brown, were appointed.

Mr. Byler, agreeable to notice given, moved that a committee be appointed to bring in a bill to establish the seat of justice in Lauderdale county—whereupon messrs. Byler and Gerrard, were appointed.

Mr. Birney from the committee appointed to bring in a bill to incorporate the Huntsville Library company, reported said bill, which was read the first time, and ordered to be made the order of the day for a second reading on tomorrow.

Mr. Everett from the committee on salaries, reported a bill making an appropriation for a private secretary to the Gov. of the state of Alabama, which being read the first time was, on motion of Mr. Everett, made the order of the day for a second reading on tomorrow.

Mr. Towns presented the petition of sundry subscribers, praying an appropriation for John Thompson, which was read, and on motion of Mr. Towns referred to the committee on propositions and grievances.

On motion of Mr. Hardwich, ordered that this house do now adjourn.

TUESDAY, Nov. 23, 1819.

The house met pursuant to adjournment.

Mr. Weedon presented the petition of sundry inhabitants of Madison county, praying a law to prevent obstructions in the waters of Indian creek, which was referred to the committee on rivers and roads.

Mr. Chapman presented the petition of Limestone Baptist church, praying to be incorporated, which was referred to a select committee—whereupon messrs. Walker and Townes were appointed.

Mr. Hardwich, from the committee appointed for that purpose, reported a bill to change the name of S. Clair

county to that of Jasper, which was read the first time, and made the order of the day for its second reading on tomorrow.

The house resumed the order of the day on the bill for the government of the town of Cahawba, which was read the 3d time, and on motion of Mr. Birney, said bill was recommitted to a select committee—whereupon messrs. Owen, Saffold, Birney and Everett were appointed.

Message from the senate by Mr. Garth—Mr. Speaker and gentlemen of the house of representatives, the senate have passed on in its third reading, a bill to incorporate the town of Demopolis, and for other purposes, (which originated in your honorable body) and propose to amend the same by striking out from the words “an act” in the caption thereof, and substituting the bill herewith sent—in which they desire your concurrence.

Mr. Perkins presented the petition of Leven Powell, praying an act for his relief—Mr. Creagh moved to postpone further consideration of said bill indefinitely, which was decided in the affirmative.

On motion of Mr. Bigham, ordered that the bill to fix the seat of justice in Lawrence county be taken up. Mr. Townes moved for the indefinite postponement of said bill, which was decided in the negative—the ayes and nays being called for on said question, they were as follows :

Those who voted in the affirmative were messrs. Birney, Edmonson, Perkins and Townes, 4

Those who voted in the negative were as follows :

Mr. Speaker, Messrs. Byler, Bigham John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Coats, Dole, Dennis, Davis, Durbunby, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Jones, King, Laakie, Lee, Marrell, Mzody, McBee, Matteson, M'Carley, Owen, Saffold, Seargent, Sims, Thompson, Taylor, Vaughan, Whitaker, Walker, Weedon, Wilborne, Wilson, Watts, and Winston, 41

Which bill was read a second time, and made the order of the day for its third reading on Thursday next.

The house again resumed the order of the day on the bill regulating the courts of law and equity.

Message from his Excellency the Governor by Mr.

**Walker—Mr. Speaker:** I am instructed by the Governor, to inform the house of representatives that he did on the 22nd inst. approve and sign the following acts—

“An act to establish the seat of justice in the county of Autauga.”

“An act to incorporate the town of Coffeeville, in the county of Clarke.”

“An act to provide for the establishment of the seat of justice in the county of Franklin.”

“An act to authorise the administratrix and administrator of Daniel W. Michaux to sell certain real estate therein named”—all of which originated in this house.

On motion of Mr. Chapman, ordered that the house resolve itself into committee of the whole on the bill regulating the courts of law and equity, and the bill affixing salaries to certain officers within the state of Alabama, Mr. Townes in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Townes reported that the committee of the whole had, according to order, had the said bills under consideration, and made some progress therein, but not having had time to go through the same, had instructed him to ask leave to set again.

On motion of Mr. Vaughan, the 33d rule for the government of this house was suspended, and leave being given, the house again went into committee of the whole on the judiciary and salary bills, Mr. Townes in the chair, and after sometime spent therein, Mr. Speaker resumed the chair, and Mr. Townes reported that the committee of the whole had, according to order, had the said bills under consideration, and made some progress therein, but not having had time to go through the same, had instructed him to ask leave to set again.

On motion of Mr. Winston, ordered that the house adjourn until 3 o'clock.

Three o'clock.

The house met pursuant to adjournment.

On motion of Mr. Chapman, ordered that this house again resolve itself into a committee of the whole on the

judiciary and salary bills, Mr. Townes in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Townes reported that the committee of the whole had, according to order, had the said bills under consideration, and made progress therein, but not having had time to go through the same, had instructed him to ask leave to sit again.

On motion of Mr. Owen, ordered that this house adjourn.

WEDNESDAY, NOV. 24, 1819.

The house met pursuant to adjournment.

Mr. Bates presented the petition of sundry inhabitants of the counties of Clarke and Monroe, praying a road to Milledgeville, which was referred to the committee on roads and rivers.

Mr. Chapman presented the petition of the two Masonic Lodges in the town of Huntsville, praying for an act to be passed, to authorise said Lodges to raise a certain sum therein named, by way of lottery, to build a Masonic Hall. On motion of Mr. Chapman, ordered that said petition be referred to a select committee—whereupon messrs. Chapman, Owen and Birney, were appointed.

Mr. Lamkin from the military committee, reported a bill for regulating and establishing patrols, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Lamkin from the military committee, reported a bill to provide for the distribution of the public arms of this state, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Saffold from the committee on rivers and roads reported a bill to establish a public road therein named, which was read the first time and made the order of the day for a second reading on tomorrow.

Mr. Dillahunty from the committee appointed for that purpose, reported a bill to establish and incorporate the town of Courtland in Lawrence county, which

was read the first time and made the order of the day for a second reading on tomorrow.

Mr. Walker from the committee appointed for that purpose, reported a bill to incorporate the Baptist Church on Limestone in Madison county, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Byler from the committee appointed for that purpose, presented a bill to establish the seat of justice in the county of Lauderdale, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Isaac Brown gave notice, that on tomorrow he would ask leave to bring in a bill for all suits at law which have been instituted in the county of Blount, to be continued in Jefferson county, and for other purposes.

Mr. Townes moved the adoption of the following resolution—*Resolved*, that it is expedient to provide by law for changing the present mode of voting, by ballot, in all elections by the people *viva voce*—which was decided in the negative—the ayes and noes being called for, they were as follows :

AYES—Messrs. Birney, Bigham Isaac Brown, Chapman, Coats, Davis, Dillabanty, Exum, Edmonson, Lankin, Murrell, Moody McBee, Matterson, McCarley, Seargent, Townes, Taylor, Whitaker and Winston, 20.

NOES—Mr. Speaker, Messrs. Byler, John Brown, Bates, Cleveland, Creagh Dale, Dennis, Everett, P. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lee, Owen, Perkins, Saffold, Summs, Thompson, Vaughan, Walker, Weedon, Wellborne, Wilson, and Watts, 27.

Mr. Weedon agreeable to notice given some days since, asked for, and obtained leave to bring in a bill to regulate Doctors fees—whereupon, messrs. Weedon and Wellborne, were appointed for that purpose.

Mr. Birney gave notice that on tomorrow he would ask leave to bring in a bill to prevent owners of hogs or neat cattle from feeding them upon lands to which they have not the legal or equitable possession.

Mr. Wellborne gave notice that on to morrow, he would ask leave to bring in a bill to authorise justices of the peace to receive the acknowledgment and private fees.

Mr. **Everett** gave notice, that on monday next, he would ask leave, to bring in a bill to define the duties of assessors and collectors of taxes of the several counties of this state.

The house resumed the order of the day on the bill affixing salaries to certain officers within the state of Alabama, which was read a second time and recommit-  
ted to a committee of the whole.

On motion of Mr. **Chapman**, ordered that the house again resolve itself into committee of the whole on the judiciary and salary bills, Mr. **Townes** in the chair—  
Mr. **Weedon** moved to strike out the — section of the judiciary bill establishing county courts, which was decided in the negative, and the yeas and nays being called for in committee of the whole, were as follows :

AYES—Mr. **Specker**, Messrs. **Birney**, **Bates**, **Cleveland**, **Creagh**, **Dale**, **Edmonson**, **Everett**, **P. Fitzpatrick**, **J. Fitzpatrick**, **Harrison**, **Jones King**, **Matterson**, **Owen**, **Saffold**, **Thompson**, **Townes**, **Walker**, **Weedon**, & **Wilson**, twenty  
NOES—Messrs. **Byler**, **Bigham**, **John Brown**, **Isaac Brown**, **Chapman**, **Coats**, **Dennis**, **Davis**, **Edahunt**, **Exum**, **Gerrard**, **Hill**, **Hard-  
wich**, **Lankin**, **Lee**, **Murrell**, **Moody**, **McBee**, **M'Cooley**, **Perkins**, **Scargent**, **Sims**, **Taylor**, **Vaughan**, **Whitaker**, **Wellborne**, **Watts**, and **Winston**, 28

And after some time spent in committee of the whole, Mr. **Speaker** resumed the chair, and Mr. **Townes** reported that the committee of the whole had, according to order, had the said bill under consideration, and made considerable progress therein, but not having time to go through with the same, had instructed him to ask leave to set again.

Message from the senate by Mr. **Chambers**—Mr. **Speaker** and gentlemen of the house of representatives: the senate have passed an act to authorise **John Bethany** to emancipate certain slaves, which originated in your honorable body.

On motion of Mr. **Owen** the house adjourned until 3 o'clock.

Nov. 24, 3 o'clock.

The house met pursuant to adjournment.

Mr. **Chapman** moved for Mr. **Moody** to have leave of absence for the balance of the evening, which leave was granted. Mr. **Moody** agreeable to notice given some days past, moved the following amendment to the

Mr. Weedon from the committee on school lands, reported a bill to provide for leasing the 16th section in each township in this state, which was read the first time and made the order of the day for a second reading on tomorrow.

Mr. Owen asked for and obtained leave to introduce the following bills, to wit, a bill to regulate property contracts—and a bill to provide for the division of estates, real and personal. Also a bill to regulate elections and establish election precincts in the counties therein named, which bills were severally read the first time, and made the order of the day for their second readings on tomorrow.

Mr. Isaac Brown, in conformity to notice given yesterday, asked for and obtained leave to bring in a bill for the continuance of all suits at law that were instituted in Blount county courts, to be continued in Jefferson county courts, and for other purposes.

A message from the senate by Mr. Rogers their secretary—*Mr. Speaker* and gent. of the house of representatives, The senate have passed the joint resolution providing for the printing the laws and journals of the present General Assembly. which originated in your honorable body, and have amended the same, by striking out the words *fifteen hundred* the number copies of the acts to be printed. and the words *two thousand* inserted in lieu thereof. Also by striking out the words *one hundred and fifty* in the 10th line, and the same words in 12th line, the number of copies of the journals of each house. authorised to be printed, and the words *seven hundred* inserted in lieu thereof, in which they desire your concurrence.

Mr. Welbourn in conformity to notice given yesterday, asked for and obtained leave to bring in a bill to authorise justices of the peace to receive the acknowledgement and probate of deeds, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Birney in conformity to notice given yesterday asked for and obtained leave to introduce a bill to pre-



vent owners of hogs and neat cattle from feeding them on land of which they have not the legal or equitable possession—*whereupon* messrs. Birney and Davis were appointed a committee for that purpose.

The house resumed the order of the day on the resolution prohibiting bills or petitions, except those of a general nature, being received in this house after Friday next, was read a second time. Mr. Perkins moved to postpone said resolution indefinitely, which was decided in the affirmative.

The house then proceeded to fill the blanks in the bill affixing salaries to certain officers, within the state of Alabama.

Mr. Perkins moved to fill the blank, affixing the Governor's salary, with twenty-five hundred, which was decided in the negative—the ayes and noes being called for on said question, they were as follow, to wit,

**AYES**—Messrs. Speaker, Birney Bates Cleveland Creagh Dale Dennis Davis Edmondson P Fitzpatrick J Fitzpatrick Hardwich Harrison King Owen Perkins Saffold Thompson Townes and Taylor 20.

The noes were Messrs. Byler Bigham J. Brown I Brown Chapman Coats Dillahunt Exum Hill Jones Lamkin Lee McBee Matterson McCarley Sargeant Sims Vaughan Whitaker Walker Weedon Wellbourne Watts and Winston 24

Mr. Thompson moved to fill said blank by inserting twenty four hundred, which was decided in the negative.

Mr. Bates moved to fill the said blank by inserting twenty three hundred, which was decided in the negative.

Mr. Davis moved to fill said blank by inserting twenty two hundred and fifty, which was decided in the affirmative.—The ayes and noes being called for on the latter motion, were as follows, to wit,

**AYES**—Messrs. Speaker Birney Bates Cleveland Creagh Coats Dale Dennis Davis Edmondson Exum Everett P. Fitzpatrick J. Fitzpatrick Hardwich Harrison King Murrell Owen Perkins Saffold Thompson Townes and Taylor—24. **NOES**—Messrs. Byler, Bigham, John Brown, Isaac Brown Chapman Dillahunt Hill Jones Lamkin Lee McBee Matterson McCarley Sargeant Sims Vaughan Whitaker Walker Weedon Wellbourn Watts and Winston.--22.

Mr. Creagh moved to fill the blank (affixing salaries of Judges) with twenty five hundred, which was decid-

ded in the negative—the ayes and noes being called for, was as follow :

AYES were Mr. Speaker, Messrs Creagh, Dale, and Edmonson, 4.

NOES—Messrs. Byler, Birney, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Chapman, Coats, Dennis, Davis, Dillahunty, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick Hill, Hardwich, Harrison, Jones, King, Lamkin, Lee, Murrell, McBee, Matterson, Taylor, Vaughan, Whitaker, Walker, Weedon, Wellborne, Watts and Winston 42

Mr. Perkins moved to fill said blank by inserting two thousand, which was decided in the negative—the ayes and noes being called for, were as follows :

AYES were Mr. Speaker : Messrs. Birney Creagh Dale Dennis Edmonson Everett Harrison Murrell Owen Perkins Saffold Thompson Townes and Taylor 15. NOES—messrs Byler Bigham John Brown, Isaac Brown Bates Cleveland Chapman Coats Dennis Dillahunty Exum P. Fitzpatrick J. Fitzpatrick Hill Hardwich Jones King Lamkin Lee McBee Matterson McCarley Seargent Sims Vaughan Whitaker Walker Weedon Wellborne Watts and Winston, 31.

Mr. Lamkin moved to fill said blank by inserting one thousand eight hundred, which was decided in the negative—the ayes and noes was called for, which were as follows :

AYES—Mr. Speaker : messrs. Creagh Chapman Dale Davis Dillahunty Exum Everett Harrison Lamkin Murrell Woody Owen Perkins Saffold Thompson Taylor and Vaughan, 18. NOES—messrs. Byler Birney Bigham John Brown Isaac Brown Bates Cleveland Coats Dennis Edmonson P. Fitzpatrick J. Fitzpatrick Hill Hardwich Jones King Lee McBee Matterson McCarley Seargent Sims Townes Whitaker Walker Weedon Wellborne Watts and Winston 29.

Mr. Vaugh moved to fill said blank by inserting one thousand seven hundred and fifty, which was in like manner decided in the negative—the ayes and noes being called for, they were as follows :

AYES—Messrs. Chapman Dale Exum Everett Harrison Lamkin Murrell Woody Owen Perkins Saffold Thompson Taylor and Vaughan 14.

NOES—Messrs. Byler Birney Bigham John Brown Isaac Brown Bates Cleveland Creagh Coats Dennis Davis Dillahunty Edmonson P. Fitzpatrick J. Fitzpatrick Hill Hardwich Jones King Lee McBee Matterson McCarley Seargent Sims Townes Whitaker Walker Weedon Wellborne Winston and Watts 32

Mr. Dale moved to fill said blank by inserting 1,600, which was decided in the negative—the ayes and noes being called for, were as follows :

AYES —messrs. Chapman Dale Exum Everett Harrison Lamkin Murrell Moody Owen Perkins Saffold Sims Thompson Taylor and Vaughan 15.

NOES—Mr. Speaker : messrs. Byler Birney Bigham John Brown, Isaac Brown, Bates Cleveland Creagh Coats Dennis Davis Dillahunty Edmonson P. Fitzpatrick J. Fitzpatrick Hill Hardwich Jones King Lee McBee Matterson McCarley Sergeant Townes Whitaker Walker Weedon Wellborne Winston and Watts 31.

Mr. Byler moved to fill up said blank by inserting fifteen hundred, which was decided in the affirmative; the ayes and noes being called for were as follows:

AYES—Messrs. Byler, John Brown, Isaac Brown, Bates, Cleveland, Chapman, Coats, Dale, Dennis, Dillahunty, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, King, Lankin, Lee, Murrell, Moody, Matterson, McCarley, Owen, Perkins, Sargeant Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Welbourn, Watts and Winston. 36.

NOES—Messrs. Speaker, Birney, Bigham, Creagh, Davis, Edmonson, Jones, McBee, Saffold, Walker and Weedon. 11.

Mr. Speaker voted against \$1750, \$1600, & \$1500, because he would vote for no sum under \$1800.

Mr. Edmonson moved to fill the blank (affixing the salary of the attorney general) with \$1000, which was decided in the negative,

AYES—Messrs. Speaker, J. Brown, Dale, Davis, Edmonson and Owen, 6.

NOES—Messrs. Byler, Birney, Bigham, I. Brown, Bates, Cleveland, Creagh, Chapman, Coats, Dennis, Dillahunty, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lankin, Lee, Murrell, Moody, McBee, Matterson, McCarley, Perkins, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Welborne, Watts and Winston. 41.

Mr. Perkins moved to fill said blank by inserting \$800, which was decided in the negative.

Mr. Hardwich moved to fill the said blank by inserting \$500, which was decided in the affirmative.

Mr. Bates moved to fill the blank, affixing the salaries of solicitors, with \$300, which was decided in the negative.

Mr. Lee moved to fill said blank by inserting \$250, which was decided in the affirmative.

Mr. Edmonson moved to fill the blank affixing the salary of the secretary of state, by inserting \$1200, which was decided in the negative.

Mr. Hardwich moved to fill said blank by inserting \$1000, which was decided in the affirmative.

Mr. Davis moved to fill the blank affixing the salary of comptroller, by inserting \$1500, which was decided in the negative—the ayes and noes being called for, were as follows,

AYES—Messrs. Speaker, Birney, Davis and Edmonson. 4.

NOES—Messrs. Byler, Bigham, J. Brown, I. Brown, Bates, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Dillahunty, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lankin, Lee, Murrell, Moody, McBee, Matterson, McCarley, Owen, Perkins, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon, Welborne, Watts and Winston. 43.

Mr. Hardwick moved to fill said blank by inserting \$1000, which was decided in the affirmative.

Mr. Hardwick moved to fill the blank affixing the treasurer's salary, by inserting \$1000, which was decided in the affirmative—which bill was read the third time and passed, and the title being changed, to that of an act affixing salaries to certain officers within the state of Alabama, was ordered to be sent to the senate for their concurrence.

On motion of Mr. Fitzpatrick the house adjourned until 3 o'clock.

*Three o'clock.*

The house met pursuant to adjournment.

Mr. Vaughan from the committee of enrolled bills reported the following as having been duly enrolled, to wit, An act to authorise the county court of Dallas county to levy a tax to pay for the building a jail in said county—An act to authorise the administrator of Thomas Garretson deceased to sell certain real estate.

An act to authorise John Bethany to emancipate certain slaves therein named.

An act to establish and incorporate the town of Russellville in the county of Franklin.

An act excluding from suffrage, serving as jurors and holding offices, such persons as may be convicted of bribery, forgery, perjury and other high crimes and misdemeanors, which bill originated in this house.

Mr. Everett moved the following resolution—resolved by the senate and the house of representatives of the state of Alabama in General Assembly convened, That the pay of the present members of the General Assembly, shall be fixed at two dollars per day.

Mr. Vaughan moved that said resolution be indefinitely postponed, which was decided in the affirmative—the ayes and noes being called for, were as follows :

AYES : Messrs Byler, Bigham, Isaac Brown, Bates, Cleveland, Coats, Dennis, Dilahanty, Harrison, Jones, Lanikin, Murrell, Moody, McBee, Owen, Perkins, Chapman, J. Fitzpatrick, Saffold, Seargent Sims, Thompson Townes, Vaughan, Walker, Watts, and Winston 27.

NOES : Messrs Speaker, Creagh, Exum, Everitt, P. Fitzpatrick, Hill, Hardwick, King Matterson, Whitaker, and Weedon, 11.

The house then resumed the order of the day on the bill providing for the organization and discipline of the militia of the state of Alabama, to which several amendments were made by way of riders, which was read a third time and passed—the title of which being changed to that of an act to provide for the organization and discipline of the militia of the state of Alabama, was ordered to be sent to the senate for their concurrence.

On motion of Mr. M'Carley, ordered that the house adjourn.

FRIDAY, November 26, 1819.

The house met pursuant to adjournment.

On motion of Mr. Chapman, *resolved*, that this house do at three o'clock this afternoon proceed to elect an Adjutant General, Quarter-master general, Comptroller Treasurer and Secretary of state, and for that purpose inform the senate, and invite them to attend at the hour aforesaid. Ordered, that the senate be informed thereof.

The house proceeded to the consideration of the order of the day on the bill to provide for examining certain rivers therein named, which was read a third time as amended by rider, and passed, and ordered to be returned to the senate, informing them thereof.

Message from the senate by Mr. Garth—Mr. Speaker and gentlemen of the of the house of representatives, the senate disagree to the resolution by you adopted proposing to go into the election of a quarter-master general, an adjutant general, an auditor of public accounts, treasurer and secretary of state, to day at the hour of 3 o'clock; but have postponed the same until monday next.

Also the following message—Mr. Speaker and gentlemen of the house of representatives, The senate agree to the amendment by you proposed, to a bill to provide for examining certain rivers in this state—And they have passed a bill to establish the seat of justice in Limestone county.

And also an act to authorise Ceasar Kennedy to locate certain slaves therein named.

And also a bill to establish the town of **Sammerville** in **Cotaco** county.

And also an act to digest the laws of the state of **Alabama**.

And an act to provide for the leasing the sixteenth section in each township in this state.

The house then proceeded to the consideration of the order of the day, on the bill to regulate the proceedings in the courts of law and equity in this state, which was read a second time.

**Mr. Davis** moved to strike out the word *two* in said bill in the second and third line, which was decided in the negative—ayes and noes being called for, they were as follows :

**AYES**—Messrs. **Speaker, Birney, Bates, Dale, Davis, Edmonson, Everett, Harrison, King, Matterson, Owen, Saffold, Walker, and Wilson, 14.**

**NOES**: Messrs. **Byler, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dennis, Dillahunty, Exum, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, Lamkin, Lee, Murrell, Moody, M'Bee, McCarley, Perkins, Seargent, Sims, Thompson, Towne, Taylor, Vaughan, Whitaker, Weedon, Welborne, Watts, and Winston, 34.**

**Mr. Birney** moved for said bill to lie on the table, which was decided in the negative—the ayes and noes being called for, they were as follows :

**AYES**: Messrs. **Speaker, Byler, Birney, Creagh, Dale, Dennis, Davis, Edmonson, Exum, Everett, Matterson, Perkins, Towns, Taylor, Walker, Weedon, and Wilson, 17.**

**NOES** were Messrs. **Bigham, J. Brown, I. Brown, Cleveland, Chapman, Coats, Dillahunty, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Harrison, Jones, King, Lamkin, Lee, Murrell, Moody, McBee, McCarley, Owen, Saffold, Sargent, Sims, Thompson, Vaughan, Whitaker, Welbourn, Watts and Winston, 31.**

**Mr. Weedon** moved to strike out the word *four* in said bill in the 49th page and 11th line, which was decided in the affirmative—the ayes and noes being called for, they were as follows :

**AYES**: Messrs. **Speaker, Birney, Bates, Cleveland, Creagh, Dale, Dennis, Davis, Edmonson, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Harrison, Jones, King, Matterson, Owen, Saffold, Sims, Thompson, Townes, Taylor, Walker, Weedon and Wellborne, 27,**

**NOES**: were Messrs. **Byler, Bigham, John Brown, Isaac Brown, Chapman, Coats, Dillahunty, Exum, Lamkin, Lee, Murrell, Moody, McBee, McCarley, Perkins, Sargeant, Vaughan, Whitaker, Watts, and Winston—20.**

**Mr. Winston** moved to insert three in lieu thereof, which was decided in the negative. **Mr. Weedon** moved to insert two in lieu thereof, which was decided in the affirmative.

On motion of Mr. Everett, the house adjourned until 3 o'clock.

*Three o'clock.*

The house met pursuant to adjournment.

The house proceeded to the consideration of the order of the day on the bill to fix the seat of justice in Lawrence county, which was read a 3rd time and passed, and ordered to be returned to the senate.

Also the resolution as amended by the senate, providing for the printing of the acts and journals of the General Assembly, which was read and concurred in: *ordered*, the senate be informed thereof.

Also the bill to digest the laws of the state of Alabama, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill to provide for leasing the 16th section in each township in this state, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill to authorise Ceasar Kennedy to manumit certain of his slaves therein named, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill providing for the preservation of the public arms, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill providing for the appointment of commissioners to lay out a certain road therein named, which was read the first time and made the order of the day for the second reading on tomorrow.

Also the bill for the encouragement of killing and destroying wolves and panthers, which was read the third time and passed, and the title changed from a bill to that of an act for the encouragement of killing and destroying wolves and panthers. *Ordered* that the same be sent to the senate for their concurrence.

Also a bill to incorporate the town of Demopolis and for other purposes, as amended by the senate, which was on motion of Mr. Owen, indefinitely postponed.

Also an act for the relief of the assessor, tax-collector & those who are in arrearages for taxes in the county of Lauderdale for the year 1819, which was read as amended by the senate and concurred in.

Also the bill to suppress duelling, which was read the third time and passed, and the title changed from a bill to that of an act to suppress duelling. *Ordered* that the same be sent to the senate for their concurrence.

Also the bill to incorporate the Huntsville Library company, which was read the second time, and ordered to be engrossed, and made the order of the day for a third reading on tomorrow.

On motion of Mr. Chapman, *ordered* that the house take up the bill to authorise Thomas Johnson to manumit a certain person of color therein named, which was read a second time.

Mr. Dillahunty moved to postpone said bill indefinitely, which was decided in the negative.

Mr. Weedon moved to strike out the 2d section of said bill which was decided in the affirmative, which bill was made the order of the day for a third reading on tomorrow,

The house resumed the order of the day on the bill to prevent the obstruction of water courses in this state, which was read the 3rd time and passed—ordered that the same be returned to the senate.

Also the bill for the relief of Irby Jones, which was read the 3rd time and passed, and the title changed to that of an act for the payment of Irby Jones. *Ordered* that the same be sent to the senate for their concurrence.

On motion of Mr. Perkins the house adjourned.

*Saturday, Nov. 27th, 1819.*

The house met pursuant to adjournment.

Mr. Dillahunty from the select committee to whom was referred the petition of sundry inhabitants of Lawrence county, reported a bill to provide for appointing pilots through the muscle shoals of Tennessee river, which was read the first time and made the order of the day for a second reading on monday next.



Mr. Walker from the committee of propositions and grievances, to whom was referred the petition of Isham Burke, reported that they have had the same under consideration, and not being able from the petition or accompanying documents to ascertain where said Burke lives, recommend that the prayer thereof be not granted. On motion ordered that said report be received.

On motion of Mr. Vaughan, *ordered* that said committee be discharged from the further consideration of said petition.

Mr. Saffold from the committee on rivers and roads reported a bill to authorise the laying off and cutting out certain roads therein mentioned——which was read the first time and made the order of the day for a 2d reading on monday next.

Mr. Saffold from the committee on roads and rivers to whom was referred the petition of sundry inhabitants of Lauderdale county, praying that shoal creek may be kept open and made navigable—Also the petition of sundry inhabitants of Madison, Cotaco & Blount counties, praying that Wm. Bradley and Isham Bradley be authorised to lay off and cut a road from Ditto's landing on Tennessee river to the settlements on the head waters of the Black-warrior. Also the petition of sundry inhabitants of this state, praying that if a turnpike road be established from Ditto's landing to the Falls of Tuscaloosa river, the same may be placed under the direction and for the benefit of George & James McWhorter. Also the petition of sundry inhabitants of Cotaco county, praying that a road be established from Huntsville by Lemon's ferry, on the Tennessee river, thence up the gap of the mountain which intersects with Gains' trace, thence to the Falls of the Black-warrior, reported that they have had said petitioners under consideration and believe it to be inexpedient to grant the prayer of the several petitions at this time—On motion *ordered* that said report be received. On motion *ordered* that said committee be discharged from further consideration of said petitions.

The house then proceeded to the consideration of the order of the day on the bill to regulate the courts of law and equity in this state. Mr. Chapman moved to strike out (in the 49th page and eighth line) the words "of pleas and quarter sessions," which was decided in the affirmative. Mr. Chapman then moved to insert (in the same page and line) the word 'county,' which was decided in the affirmative. Mr. Perkins moved for said bill to be recommitted to the judiciary committee, which was decided in the negative.

Mr. Birney moved, that said bill be recommitted, with the following instructions to report, there shall be four sessions of the county court, two semi-annually, for the trial of all causes of which it has the jurisdiction; and that every session all county business shall be transacted which has heretofore been transacted by the orphans court: which was decided in the affirmative.

Mr. Isaac Brown, asked for, and obtained leave to bring in a bill to regulate the deduction of the salaries of public officers, for neglect of duty in their official capacities.

On motion of Mr. Isaac Brown, ordered that a committee be appointed for that purpose—whereupon messrs. Isaac Brown, Seargent and Lee, were appointed.

Mr. Townes from the committee on duties enjoined on the General Assembly, reported a bill to amend the several acts concerning the trial of slaves, which was read the first time and made the order of the day for a second reading on monday next.

Mr. Chapman from the committee to whom was referred the petition of Madison Lodge No. 21, and Alabama Lodge No. 21, reported a bill for the benefit of said Lodges, which was read the first time, and made the order of the day for a second reading on monday next.

The house resumed the order of the day, on the bill to regulate the rate of interest.

Mr. Birney moved to strike out the whole of said bill from the word 'that,' in the first, second and third lines, which was decided in the negative.

Mr. Owen moved to amend said bill (at the end of the second section,) by inserting the following (to wit:) or within three years after the commissioners of the office, or in one year after the time of payment of any money, goods, wares or merchandize, contracted to be paid on any usurious agreement or contract, which was decided in the affirmative, and which bill was read a second time, and ordered to be engrossed for a third reading, and made the order of the day for monday next.

On motion of Mr. Saffold, ordered that messrs. Owen and Townes be added to the committee on ways and means.

The house resumed the order of the day on the bill to change the name of St. Clair county to that of Jasper, which was read a second time. Mr. Cleveland moved to postpone said bill indefinitely, which was decided in the affirmative.

Also the bill to establish the seat of justice in the county of Lauderdale, which was read the second time, and ordered to be engrossed for a third reading, and made the order of the day for monday next.

Also the bill to incorporate the Baptist Church on Limestone in Madison county, which was read the second time, and ordered to be engrossed for a third reading, and made the order of the day for monday next.

On motion of Mr. Owen, ordered that the house take up the bill to provide for the sale of lots in the town of Cahawba, and for other purposes,—when the house proceeded to reconsider the vote taken on striking out the seventh section of said bill which was decided in the affirmative—the ayes and noes were as follows :

FOR Striking out— Messrs. Birney, Bigham, John Brown, Isaac Brown, Coats, Exum, Hill, Lamkin, Murrell, Moody, McBee, McCarley Perkins Sargeant, Sims, Townes, Vaughan, Whitaker, Walker, Weedon, Wellborne, Watts and Winston—23. NOES: Messrs Speaker, Byler, Bates, Cleveland, Creagh, Chapman, Dennis, Davis, Dillabauty, P. Fitzpatrick, Hardwick, Harrison, King, Lee, Matteson, Owen, Saffold, Taylor, & Wilson 19.

On motion of Mr. Owen, ordered that said bill lie on the table.

The house resumed the order of the day, on the bill to establish a public road therein named, which was read the second time, and ordered to be engrossed, and made the order of the day for a third reading on Monday next.

On motion of Mr. Hardwich, ordered that this house adjourn.

MONDAY, November 29, 1819.

The house met pursuant to adjournment.

James W. Peters, a member from the county of Mobile appeared, presented the necessary credentials and took his seat.

The house proceeded to the consideration of the order of the day on the bill for establishing and regulating patrols, which was read the second time, and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

On motion of Mr. Perkins, *ordered* that the resolution requesting the senators and representative in Congress from this state, to use their influence in procuring a land office at Tuscaloosa in this state, be taken up,

Mr. Owen moved to insert after the word Tuscaloosa, the words *and Conecuh court-house*, which was decided in the affirmative—which resolution was read the second time, and ordered to be engrossed for a third reading on tomorrow.

Mr. Owen from the select committee to whom was referred the bill to incorporate the town of Catawba, reported the same with amendment to be added thereto by way of rider, which was read three times and passed, and ordered to be returned to the senate informing them thereof.

On motion of Mr. Townes, *ordered* that the resolution appointing a committee to take into consideration the propriety of petitioning to the Congress of the United States, for an extension of payment for the lands heretofore purchased in the Alabama territory, or such other indulgence as may be thought best, be taken up—*whereupon* messrs. Byler, Winston and Perkins were

appointed a committee on the part of this house, which resolution was read the 3rd time and passed. *Ordered* that the same be sent to the senate for their concurrence.

On motion of Mr. Owen, *ordered* that the senate be informed that we will be ready to go into the election of adjutant-general, quarter-master-general, comptroller, treasurer and secretary of state, this evening at 3 o'clock.

The house resumed the order of the day on a bill, to establish and incorporate the town of Courtland in the county of Lawrence, which was read the 2d time, and ordered to be engrossed for a 3d reading, and made the order of the day for tomorrow.

Also the bill providing for the preservation of the public arms, that originated in the senate, which was read the 2d time, and made the order of the day for a third reading on tomorrow.

Also the bill to provide for the distribution of public arms, that originated in this house, which was read the second time, and on motion of Mr. Owen, *ordered* that said bill lie on the table.

A message from his excellency the Governor by Mr. Hitchcock—*Mr. Speaker* and gent. of the house of representatives, I am instructed by his excellency the Governor to inform your honorable body, that he did on the twenty-seventh instant, sign the following acts, to wit:

An act to authorise the administrator of Thomas Garretson deceased, to sell certain real estate.

An act to authorise the county court of Dallas county to levy a tax for the building of a jail in said county.

An act to establish and incorporate the town of Russellville in the county of Franklin.

An act excluding from suffrage, serving as jurors and holding offices, such persons as may be convicted of bribery, forgery, perjury and other high crimes and misdemeanors—which originated in your house.

The house then proceeded to the consideration of the order of the day on the bill providing for the appointment of commissioners to lay out a certain road

therein named, which was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to authorise Ceazar Kennedy to manumit certain of his slaves therein named, which was read the second time, and made the order of the day for a 3d reading on tomorrow.

Also the bill to digest the laws of the state of Alabama. On motion of Mr. Owen, ordered that said bill lie on the table.

Also the bill to provide for leasing the 16th section in each township in this state; which was severally amended, and read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to authorise justices of the peace to receive the acknowledgment and probate of deeds and relinquishment of dower, which was read the second time, and on motion of Mr. Lamkin, ordered that said bill lie on the table.

On motion of Mr. Davis, ordered that this house adjourn until 3 o'clock.

Three o'clock.

The house met pursuant to adjournment.

The house resumed the order of the day on the bill to appoint pilots to pilot Boats through the Muscle shoals of Tennessee river, which was read the second time, and ordered to be engrossed for a third reading on Wednesday next.

Also the bill to authorise the laying off and cutting out certain roads therein named, which was read the second time, and ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Everett, *Resolved*, that the senate be informed that the house of representatives are now ready to go into the election of adjutant general, quartermaster general, comptroller, treasurer and secretary of state.

The house then proceeded to the consideration of the bill to incorporate the Huntsville Library company, which was read the third time and passed, and the title

changed to that of an act, to incorporate" the Huntsville Library company. Ordered, that said bill be sent to the senate for their concurrence.

The gentlemen of the senate being announced, the members of the house of representatives arose, and the senate having taken their seats, when the two houses proceeded to elect a quarter-master general, and two votes being taken for Wm. Peacock, the senate withdrew.

Mr. Everett moved that this house proceed to go through the elections commenced, which motion being superceded by one to adjourn, the house adjourned.

On motion of Mr. Cleveland, the house adjourned.

TUESDAY, NOV. 30, 1819.

The house met pursuant to adjournment.

Mr. Townes from the committee to whom was referred so much of the Governors communication as relates to the accounts existing between this state and the state of Mississippi, reported that they had the documents accompanying his Excellency's communication, relative to the account existing between the two states, under their consideration, and find that no final settlement or adjustment of the existing accounts can be made by your committee, nor can they from the documents present any statement, more satisfactory than the accounts themselves—They therefore report the following resolution. *Resolved*, by the senate and house of representatives of the state of Alabama in General Assembly convened, that the Governor be and he is hereby authorised to adjust and settle the accounts existing between this state and the state of Mississippi, in such manner and on such principles as in his judgment may be conformable to the intent and meaning of the ninth section of the act of Congress, establishing a separate territorial government, for the eastern part of the Mississippi Territory; which was read the first time, and made the order of the day for a second reading or tomorrow.

Mr. Owen from the judiciary committee to whom

was referred that part of the bill to regulate the courts of law and equity in this state "as respects county courts" with special instructions, reported the same as amended, which amendment were read and concurred in. Ordered, that said bill be engrossed for a third reading, and made the order of the day for Friday next.

Mr. Cleveland moved the following resolution :

*Resolved*, by the senate and house of representatives of the state of Alabama, in General Assembly convened, that the first session of the General Assembly adjourn on Saturday the eleventh day of December next, and that the first session of the second General Assembly of said state shall commence at the town of Cahawba on the first Monday in November, one thousand eight hundred and twenty ; which was read the first time, and made the order of the day for a second reading on tomorrow.

The house proceeded to the consideration of the order of the day, on the bill to regulate elections and establish certain precincts in the counties therein named, which was severally amended, and read the second time and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

A message from the senate by Mr. Moore—Mr. Speaker and gentlemen of the house of representatives ; The senate have adopted the following resolution :

*Resolved*, that the senate will be ready at 12 o'clock inst. to meet the house of representatives in their chamber, to proceed to elect a secretary of state, comptroller, treasurer, adjutant general and quartermaster general. On motion of Mr. Vaughan, ordered that this house do concur therein, and that the senate be informed thereof, and that the house of representatives are now ready to proceed in said election.

A message from the senate by Mr. Casey—Mr. Speaker, the senate have passed a bill affixing salaries to certain officers within the state of Alabama, which originated in the house of representatives, and



have amended the same by striking out the words 2,250, the salary of Governor, and inserting \$ 2,500: Also by striking out the words \$ 1,500, the salary of circuit judges, and inserting \$ 2000: Also by striking out the words \$ 500, the salary of the attorney general, and inserting \$ 750, and by striking out the word *general* after the word *comptroller*; in which they desire your concurrence.

On motion of Mr. Birney, ordered that in all elections by the General Assembly, that it shall be proper for the candidate to be nominated.

The senate being announced, the house of representatives arose to receive them, and after taking the seats assigned them, both houses proceeded to the election of secretary of state, Thomas A. Rogers, and John Campbell esq. being nominated for that appointment, the votes were as follows:

Those who voted for Mr. Rogers were messrs President, Chambers Conner Farmer Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringgold Rose Seabury Terrill Trotter and Ware—Representatives—Messrs. Byler, Bigham John Brown, Isaac Brown, Bues, Cleveland, Creagh, Coats, Dale, Dennis, Dillahunty, Edmonson, Exum, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich Jones, Lee, Murrell, McBee, Matterson, McCarley, Perkins, Seargent, Sims, Thompson, Taylor, Vaughau, Whitaker, Walker, Weedon, Wellborne, Wilson, Watts and Winston, 55.

Those who voted for Mr. Campbell were messrs Casey, Garth, Watkins Representatives—Messrs Speaker, Birney, Chapman, Davis, Everett, Harrison, King, Lamkin, Moody, Owen, Peters, Saffold and Townes 16.

Whereupon Mr. Speaker declared Thomas A. Rogers was duly elected secretary of state.

Both houses then proceeded to the election of comptroller, Samuel Pickins esq. being nominated for that appointment, the votes were as follows:

Those who voted for Mr. Pickens were, Messrs. President, Casey, Chambers, Conner Farmer Garth Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringgold Rose Sims Seabury Terrill Trotter Watkins Ware, representatives,—Messrs. Speaker, Byler, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Davis, Dillahunty, Edmonson, Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jowes, King, Lamkin, Lee, Murrell, Moody, McBee, Matterson, M'Carley, Owen, Perkins, Peters, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughau, Whitaker, Walker Weedon Wilson Wellbourne, Watts and Winston. 70.

Whereupon Mr. Speaker declared Samuel Pickens, Esq. duly elected comptroller of this State.

Both houses then proceeded to the election of Trea-

sure; **Jack F. Ross, Esq.** being nominated for that appointment, the votes were as follows :

Those who voted for Mr. Ross were, Messrs. President Casey Chambers Conner Farmer Gorth Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringgold Rose Sims Seabury Terrill Trotter Watkins and Ware,—representatives, Messrs. Speaker, Byler, Birney, Bigham, I. Brown, J. Brown, Bates, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Davis, Dillahunty, Edmonson Exum, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lanika, Lee, Marrell, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon, Wilson, Welborne, Watts and Winston. 71.

Whereupon Mr. Speaker declared **Jack F. Ross, Esq.** duly elected Treasurer of this State.

Both houses then proceeded to the election of Adjutant General, **Col. Carter B. Harrison** being nominated for that appointment, the votes were as follows :

Those who voted for Col. Harrison were, Messrs. Chambers Conner Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Rose Terrill Trotter and Watkins,—representatives, Messrs. Byler, Birney, Bigham, J. Brown, I. Brown, Bates, Creagh, Chapman, Coats, Dale, Dennis, Dillahunty, Exum, Edmonson, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, Lanika, Lee, Marrell, Moody, McBee, Matterson, McCarley, Owen, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Welborne, Wilson, Watts and Winston. 56.

Mr. Cleveland voted for Mr. Peters and Mr. Harrison voted for Mr. Cleveland,

Whereupon Mr. Speaker declared **Col. Carter B. Harrison** duly elected Adjutant General of this State.

Both houses then proceeded to the election of Quarter Master General; **Major William Peacock** and **George Shackelford, Esq.** being nominated the votes were as follows :

Those who voted for Major Peacock were, Messrs. Chambers Conner Farmer, Harwell Hogg Rose and Trotter—representatives, messrs. Bigham Isaac Brown Bates Cleveland Creagh Coats Dale Dennis Dillahunty Edmonson Exum Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, Lee, Marrell, Matterson, McCarley, Owen, Saffold, Thompson, Taylor, Vaughan, Wilson and Winston. 37.

Those who voted for Mr. Shackelford were Messrs. Hanby Herbert Hodges Metcalf Moore Terrill and Watkins—representatives, Messrs. Byler, Birney, Chapman, Lanika, Moody, McBee, Sargeant, Townes, Whitaker, Walker, Watts and Welborne. 19.

Those who voted for Mr. Fenagin, were Messrs. Gause of the senate, and J. Brown of the house of representatives. 2.

Whereupon Mr. Speaker declared **Maj. William Peacock** duly elected Quarter-master General of this State. The senate then withdrew.

On motion of Mr. Everitt, ordered, that this house adjourn until 3 o'clock

3 o'clock, Nov. 30.

The house met pursuant to adjournment.

A message from the senate, by Mr. Garth.

Mr. speaker, the senate have passed the following acts, an act, to amend the act regulating weights and measures, and an act, providing for the determination of suits and controversies by arbitration, in which they desire your concurrence.

Also the following message by Mr. Garth.

Mr. speaker, the senate have passed an act, to authorise the administration of Josiah Wood, deceased, and Edmond J. Bailey to sell certain real estate, an act to provide for the removal of the public offices, and an act, to establish the seat of justice in the county of Montgomery and for other purposes, in which they desire your concurrence.

The house then proceeded to the consideration of the bill, as amended by the senate, affixing salaries of certain officers of this state therein named.

Mr. Everett moved, that this house agree to the amendment proposed by the senate, as respects the salary of the governor, which was decided in the negative.

Mr. Owen moved that this house agree to the amendment proposed by the senate, as respects the salary of judges of the circuit courts, which was decided in the negative.

Mr. Saffold moved that this house agree to the amendment proposed by the senate, as respects the salary of attorney general, which was decided in the negative.

Mr. Dillahunt moved that this house agree to the amendment proposed by the senate, as respects striking out the word general after the word comptroller, in said bill, which was decided in the affirmative.

Mr. Matterson of the majority on the question for disagreeing to the amendment, proposed by the senate, relative to the governor's salary, moved to reconsider the vote taken thereon, which was decided in the af-

affirmative, when the question was taken on agreeing to said amendment, it was decided in the affirmative, the ayes and noes being called for on said question, they were as follows,

**AYES** Messrs. Speaker Birney Bates Cleveland Creagh Chapman Dale Dennis Davis Edmonson Everett J. Fitzpatrick P. Fitzpatrick Hill King Lamkin Murrell Matterson Owen Perkins Peters Saffold Sims Thompson Townes Taylor and Wilson. 27 **NOES**—Messrs. Byler Bigham John Brown, I. Brown, Coats Dillahanty Exum Jones Lee Moody McBee McCarley Sergeant Vaughan Whitaker Walker Weedon Wellborne Watts and Winston. 20.

Mr. Cleaveland of the majority on the question for disagreeing to the amendment, proposed by the senate, relative to the salary of circuit court judges, moved to reconsider the vote taken thereon, which was decided in the affirmative, when the question was taken on agreeing to said amendment, it was decided in the negative, the ayes and noes being called for, were as follows,

**AYES**, Messrs. Speaker Birney Creagh Dale Davis Edmonson Everett Harrison Lamkin Murrell Moody Owen Perkins Peters Saffold Thompson Townes Taylor and Wilson. **NOES** Messrs. Byler Bigham, J. Brown I. Brown, Bates Cleveland Chapman Coats, Dennis Dillahanty Exum P. Fitzpatrick J. Fitzpatrick Hill Jones King Lee McBee Matterson McCarley Sergeant Sims Vaughan Whitaker Walker Weedon Wellborne Watts and Winston. 29.

The house proceeded to the consideration of the order of the day, on the bill to establish the seat of justice in Lauderdale county, which was read the third time and passed, ordered, that the title of said bill be changed from a bill to that of an act, to establish the seat of justice in Lauderdale county, and be sent to the senate for their concurrence.

Also the bill to incorporate the baptist church of Christ, on Limestone, in the county of Madison, which was read the third time and passed, and the title changed to that of an act, to incorporate the baptist church of Christ, on Limestone, in the county of Madison, ordered, the same be sent to the senate for their concurrence.

Also the bill to authorise the laying off and cutting out certain roads therein mentioned, which was read the third time and passed, and the title changed to that of an act, to authorise the laying off and cutting out

certain roads therein mentioned, ordered, that the same be sent to the senate for their concurrence.

Also the bill to regulate the rate of interest, which was read the third time and passed, and the title changed to that of an act, to regulate the rate of interest, ordered, that the same be sent to the senate for their concurrence.

Also the bill providing for the appointment of commissioners, to lay out a certain road therein named, which was read the third time and passed, ordered, that the same be returned to the senate, informing them thereof.

Also the bill providing for the preservation of the public arms, which was read the third time and passed, ordered, that the same be returned to the senate, informing them thereof.

On motion, the house adjourned until to-morrow, 9 o'clock.

Wednesday, Dec. 1.

The house met pursuant to adjournment.

Mr. Vaughn from the committee on enrolled bills, reported that said committee had examined the following resolution and acts, a resolution for contracting for public printing, and an act, to establish the seat of justice in Limestone county, and for other purposes, an act to establish the town of Somerville, in the county of Cota-co, an act for the relief of the assessor, tax collector and those who are in arrearages for taxes in the county of Lauderdale, for the year 1819, also, an act to authorise the administrator and administratrix of John Childress, deceased, to sell real estate, and was instructed to report them duly enrolled.

The house proceeded to the consideration of the order of the day, on the resolution reported by the committee on accounts between this state and the state of Mississippi, which was read the second time and ordered to be engrossed for a third reading on to-morrow. Also the resolution specifying the time when the first session of the general assembly shall adjourn, and when

the first session of the second general assembly shall convene at the town of Cahawba, which was read the second time.

Mr. Davis moved that said resolution lie upon the table, which was decided in the negative, the ayes and noes being called for, they were as follows :

AYES—messrs. Byler, Birney, Bigham, John Brown, Isaac Brown, Chapman, Coats, Dale, Davis, Dillahunty, Edmonson, Exum, Lamkin, Moody, McBee, McCauley, Perkins, Peters, Townes, Taylor, Whitaker, Walker, Weedon and Wellborne, 24.—NOES: Messrs. speaker, Bates, Cleveland, Creagh, Dennis, Everett, P. Fitzpatrick, Hill, Harrison, Jones, King, Lee, Murrell, Matteson, Owen, Saffold, Sargeant, Sims, Thompson, Vaughan, Wilson and Watts, 24.

Mr. Vaughan moved to strike out the word "Saturday 11th" in said resolution, which was decided in the negative.

On motion of Mr. Walker, ordered, that said resolution be engrossed for a third reading, and made the order of the day, for monday next.

Also the bill establishing and regulating patrols.

Mr. Lamkin moved to fill the last blank in the tenth section, with the word twelve, which was decided in the negative, the ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Bates, Chapman, Dennis, Davis, Exum, Everett, Harrison, Lamkin, Murrill, Perkins and Whitaker, 11—NOES, messrs. Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Coats, Dale, Dillahunty, Edmonson, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Jones, King, Lee, Moody, McBee, Matteson, McCauley, Owen, Peters, Saffold, Scargent, Sims, Thompson, Townes, Taylor, Vaughan, Walker, Weedon, Wellborne, Wilson, Watts and Winston—37.

Mr. Weedon moved to fill said blank with the word six, which was decided in the affirmative, which bill was read the third time and passed, and the title changed to that of an act, to regulate patrols and for other purposes, ordered, that the same be sent to the senate for their concurrence.

On motion of Mr. Saffold, ordered, that this house take up the bill to authorise the sale of lots in the town of Cahawba.

Mr. Saffold moved to amend said bill by way of rider, by adding two additional sections, which was decided in the affirmative. The ayes and noes being called for on said question, were as follows :

**AYES**—Messrs. Speaker, Byler, Bates, Cleveland, Creagh, Chapman, Dale, Dennis, Davis Dillahunty, Edmonson, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwich, Harrison, Jones, King, Lee, Owen, Peters, Saf-fold, Townes, Taylor and Wilson, 25 —**NOES**, messrs Birney, Bigham, John Brown, Isaac Brown, Coats, Exum, Hill, Lanekin, Muriell, Moody, McBee, Matterson, McCarley, Perkins, Seargent, Sims, Thompson, Vaughan, Whitaker, Walker, Weedon, Wellborne, Watts and Winston, 24

Which bill as amended by rider was read the third time and passed, ordered, that the same be returned to the senate as amended by rider, for their concurrence.

The house resumed the order of the day, on the bill to authorise Thomas Johnston to manumit a certain person of colour therein named, which was read the third time. The question being put, shall this bill pass, it was decided in the affirmative, the ayes and noes being called for on said question, they were as follows :

**AYES**—Messrs. Byler, Bigham, John Brown, Bates, Cleaveland, Creagh, Chapman, Coats, Dale, Dennis, Everitt, P. Fitzpatrick, Hill, Hardwich, Harrison, Jones, Lanekin, Muriell, Moody, Perkins, Townes, Whitaker, Weedon and Wellborne, 24—**NOES**, messrs. Speaker, Birney, Isaac Brown, Davis, Dillahunty, Exum, Lee, McBee, Matterson, McCarley, Peters, Seargent, Sims, Thompson, Vaughan, Walker, Watts and Winston, 18.

Mr. Dillahunty moved to change the title of said bill to that of an act to authorise Thomas Johnson to manumit his mulatto son Martin, which was decided in the negative, the ayes and nays being called for on said question they were as follows :

**AYES**—Messrs. Speaker Birney Bigham Dillahunty Exum Perkins Peters Seargent Townes Watts and Winston, 11. **NOES**—messrs John Brown, Isaac Brown Bates Cleveland Creagh Chapman Coats Dale Davis Edmonson Everitt P. Fitzpatrick Hill Hardwich Harrison Jones Lanekin Lee Muriell Moody McBee Matterson McCarley Sims Thompson Vaughan, Whitaker Walker Weedon and Wellborne, 30

Ordered that the title of said bill be changed to that of an act to authorise Thomas Johnson to manumit a certain person of colour therein named, and the same be returned to the senate as amended, for their concurrence.

Mr. Weedon from the select committee appointed for that purpose brought in a bill to regulate the charges of Physicians, which was read the first time. Mr. Everett moved that said bill lie on the table, which was decided in the negative. On motion of Mr. Weedon, ordered that said bill be made the order of the day for a second reading on tomorrow.

On motion of Mr. Hardwich, ordered that this house adjourn until 3 o'clock.

Three o'clock December 1st.

The house met pursuant to adjournment.

Mr. Vaughan from the committee on enrolled bills, reported the following bills as truly enrolled (which originated in the senate.)

An act for the government of the town of Cahawba.

And an act to incorporate the town of Montgomery in the county of Montgomery.

A message from the senate by Mr. Casey—Mr. Speaker: The senate insist on the amendment by them proposed to a bill affixing salaries to certain officers in the state of Alabama, in which they again respectfully desire your concurrence.

On motion of Mr. Weedon, *resolved*, that the Speaker of this house be authorised to appoint an additional engrossing clerk.

On motion of Mr. Birney, ordered that Mr. Townes be added to the committee on enrolled bills.

The house again proceeded to the consideration of the bill 'as amended by the senate.' affixing salaries to certain officers in the state of Alabama. Mr. Everett moved that this house agree to the amendment proposed by the senate, as respects the salaries of circuit judges, which was decided in the negative—the ayes and nays being called for on said question, they were as follows:

AYES: Messrs. Speaker, Birney, Creagh, Dale, Dennis, Edmunson, Everett Harrison, Lanikin, Murrell, Moody Owen, Perkins, Peters, Saffold, Thompson, Towns, Taylor, and Wilson, 19. NOES—Messrs. Byler, Bigham, J. Brown, I. Brown, Bates, Cleveland, Chapman, Coats, Dillahunty, Exum, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, King, Lee, McBee, Matterson, McCarley, Sargent, Sims, Vaughan Whitaker, Weedon, Welbourn, Watts and Winston, 23.

Mr. Creagh moved that this house agree to the amendment proposed by the senate, as respects the salary of attorney general, which was decided in the negative. On motion of Mr. Birney, ordered that said bill be returned to the senate, and insist on the disagreement of this house, on the amendments proposed by that honorable body.



The house then proceeded to the consideration of the order of the day, on the bill to regulate elections, establish certain precincts in the counties therein named, and for other purposes, which bill was severally amended by rider, and which was read the third time and passed, and the title changed to that of an act, to regulate elections, establish certain precincts in the counties therein named, and for other purposes. Ordered that the same be sent to the senate for their concurrence.

Also the bill to appoint pilots to pilot boats through the Muscle Shoals in Tennessee river, which was read the third time and passed, and the title changed to that of an act to appoint pilots to pilot boats through the Muscle Shoals in Tennessee river. Ordered, that the same be sent to the senate for their concurrence.

Also the bill to establish and incorporate the town of Courtland in the county of Lawrence, which was read the third time and passed, and the title changed to that of an act to establish and incorporate the town of Courtland in the county of Lawrence. Ordered, that the same be sent to the senate for their concurrence.

Also the bill to authorise Ceasar Kennedy to manumit certain of his slaves therein named, which was read the third time and passed. Ordered, that the same be returned to the senate.

Also the bill for the benefit of the Madison Lodge and the Alabama Lodge, which was read the second time, and ordered to be engrossed for a third reading on tomorrow.

On motion of Mr. Cleveland, ordered that this house adjourn until tomorrow 9 o'clock.

THURSDAY, 2nd December, 1819.

The house met pursuant to adjournment.

Mr. Everett from the committee appointed to contract for the public printing, made a report on that subject, which on motion of Mr. Everett, was ordered to lie on the table.

The house proceeded to the consideration of the or-

der of the day on the bill to provide for leasing the 16th section in each township in this state.

Mr. Weedon moved that this house resolve itself into a committee of the whole on said bill, which was decided in the negative. On motion of Mr. Chapman, ordered that said bill be referred to a select committee—whereupon messrs. Chapman, Birney, and Everett were appointed.

Mr. Byler asked for, and obtained leave to introduce a bill to prevent obstructions to the passage of the Fish in Shoal creek in Lauderdale county, which was read the first time.

Mr. Byler moved that said bill be made the order of the day for a second reading on tomorrow, which was decided in the negative.

The house resumed the order of the day, on the bill to establish a certain public road therein named, which was read the third time. Mr. Perkins moved to amend said bill by adding an additional section by way of rider, which was decided in the affirmative, and the question being put, shall this bill pass as amended by rider, it was decided in the affirmative, and the title being changed to that of an act to establish a certain public road therein named, was ordered to be sent to the senate for their concurrence.

Mr. Bates in conformity to notice given some days past, asked for, and obtained leave to bring in a bill to prevent malicious or fraudulent mischief, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Walker presented the petition of sundry inhabitants of Madison county, respecting the impracticability of making Indian creek navigable for boats.

On motion of Mr. Dillahunt, ordered that said petition lie on the table.

The house resumed the order of the day on the resolution respecting the accounts between this state and the state of Mississippi, which was read the third time and passed. Ordered that the same be sent to the senate for concurrence.

On motion of Mr. Welborne, *ordered* that the house take up the bill to authorise justices of the peace to receive the acknowledgments and probate of deeds and relinquishment of dowers, which was read the 2nd time, and which was severally amended, and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

A message from the senate by Mr. Casey—*Mr. Speaker*, the senate request the appointment of a committee of conference, on the amendments by them proposed to a bill affixing salaries to certain officers in this state and have appointed messrs. Casey, Seabury and Terrell on their part.

The house then proceeded to the consideration of said message, Mr. Everett moved that this house concur in said message, and that messrs. Perkins, Vaughan, Matterson and Dennis be appointed a committee on the part of this house, which was decided in the affirmative—*ordered* that the senate be informed thereof.

On motion of Mr. Dillahunty, *ordered* that Mr. Bates be added to said committee.

The house again resumed the order of the day on the bill to amend the several acts concerning the trial of slaves, which was read the second time and was severally amended, Mr. Byler moved to further amend said bill, by striking out the third section, which was decided in the negative, the ayes and noes being called for on said question, they were as follows,

AYES—messrs. Byler Bigham I. Brown Bates Coats Dennis Dillahunty Everett Hill Hardwich Jones McBee Matterson Seargent Sims Weedon and Winston. 17. NOES—Messrs. Speaker Burney Creagh Chapman Dale Edmonson Exum Harrison King Lamkin Lee Merrill Moody Perkins Peters Saffold Thompson Townes Taylor Vaughan Whitaker Walker Welborne and Watts. 24.

*Ordered* that said bill be engrossed for a third reading and made the order of the day for tomorrow.

Also the bill to amend the acts respecting weights and measures, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill for the benefit of Madison and Alabama Lodges, which was read the third time and passed, and

the title changed to that of an act for the benefit of the Madison Lodge and the Alabama Lodge. *Ordered*, that the same be sent to the senate for their concurrence.

Also the bill to provide for the division of estates real and personal, which was read the 2nd time—on motion of Mr. Bates, *ordered* that said bill lie upon the table. Also the bill to repeal the first and 2nd sections of an act entitled an act for the government of gin-holders, passed 16th Nov. 1818. On motion of Mr. Creagh, *ordered* that said bill be indefinitely postponed.

Also the bill to establish the seat of justice in the county of Montgomery and for other purposes, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill providing for the determination of suits and controversies by arbitration; which was read the first time, and made the order of the day for a second reading on to-morrow.

Also the bill to authorise the administratrix of Josiah Woods, deceased, and Edmund J. Bailey to sell certain real estate, which was read the first time and made the order of the day, for a 2nd reading on to-morrow.

Also the bill to provide for the removal of the public offices; which was read the first time and made the order of the day, for a second reading on to-morrow.

Also the bill to regulate the charges of physicians.

On motion of Mr. Birney, *ordered*, that said bill lie upon the table.

Also the resolution requesting our members in congress, to use their influence in obtaining a land office at Tuscaloosa and Conecuh court house in this state, which was read the third time.

Mr. Birney moved to postpone said resolutions indefinitely, which was decided in the negative.

The question being put, shall these resolutions pass, it was decided in the affirmative.

*Ordered*, that the same be sent to the senate for their concurrence.

Also the bill to regulate property contracts, which was read the second time, and ordered to be engrossed

for a third reading and made the order of the day, for to-morrow.

Also the bill making an appropriation for a private secretary to the governor of the state of Alabama.

On motion of Mr. Birney, ordered, that said bill be indefinitely postponed.

On motion of Mr. Everitt, ordered, that this house adjourn until to-morrow, 9 o'clock.

Friday, Dec. 3.

The house met pursuant to adjournment. Mr. Vaughan presented the petition of Nancy Hunter, praying permission to have the notary publics certificate, (certifying her freedom) recorded in the county court of Madison.

On motion of Mr. Vaughan, ordered, that said petition be referred to the committee of propositions and grievances.

Mr. Exum presented the petition of Mary Hargrove, William Hargrove, Benjamin Hargrove and Andrew Hargrove, executrix and executors of James Hargrove, deceased, praying an act to be passed, authorising said executrix and executors to sell certain real estate.

On motion of Mr. Exum, ordered, that said petition be referred to a select committee, whereupon messrs. Exum, Waitaker and Saffold were appointed.

Mr. Townes asked for, and obtained leave to bring in a bill to amend the several acts relating to public ferries, whereupon, messrs. Townes, P. Fitzpatrick and Taylor, were appointed a committee for that purpose.

Mr. Chapman from the select committee, to whom was referred the bill for leasing the sixteenth section in each township, in this state, reported the same as amended. The house then proceeded to the consideration of said bill as amended.

Mr. Owen moved to further amend said bill, by adding an additional section after the 9th section, which was decided in the affirmative, and the question being put, shall this bill pass as amended, it was decided in the affirmative, ordered, that the same as amended be returned to the senate for their concurrence.

Mr. Chapman asked for, and obtained leave to bring in a bill to appoint additional commissioners in Huntsville, which was read the first time, and made the order of the day for a second reading on to-morrow.

Mr. Owen asked for, and obtained leave to bring in a bill to alter and amend the laws regulating the admission and practice of councillors and attorneys at law, which was read the first time and made the order of the day for a second reading on to-morrow.

Mr. Saffold from the committee on roads and rivers, made the following report, that they have had under their consideration a petition, from sundry inhabitants of the county of Madition, praying that a law may be passed making provision for opening the navigation of Indian Creek, in said county, and believe the prayer of said petitioner to be unreasonable, and as such, ought not to be granted.

On motion of Mr. Saffold, ordered, that said report be concured in.

Mr. Saffold asked for, and obtained leave to bring in a bill, to incorporate the Alabama bridge company, which was read the first time, and made the order of the day for a second reading on to-morrow.

A message from the senate, by Mr. Garth—Mr. Speaker and gentlemen of the house of representatives—

The senate have passed a bill, for the encouragement of killing and destroying wolves and panthers, (which originated in your hon. body) and proposed to amend the same, by inserting after the words "wolf or panther" and "wolves and panthers," wherever they may occur the words *bear and wild cat*.

And by adding to the end of the 1st section, these words, bears two dollars, and wild cats one dollar.

Also the following message, by Mr. Garth—The senate have read the 3d time & passed the following acts,

An act to prevent frauds, &c. at land sales. An act to provide for the appointment of county officers, and, an act to change the name of the county of Cahawba, to which they desire your concurrence.

The house proceeded to the consideration of the or,

der of the day, on the bill to authorise justices of the peace to receive the acknowledgement and probate of deeds, and relinquishment of dowers, which was read the third time and passed, and the title changed to that of an act, to authorise justices of the peace to receive the acknowledgment and probate of deeds, and relinquishment of dowers, ordered, that the same be sent to the senate for their concurrence.

Also the bill to regulate property contracts, which was read the third time and passed, and the title changed to that of an act, to regulate property contracts, ordered that the same be sent to the senate for their concurrence.

Also the bill to amend the several acts concerning the trial of slaves, which was read the third time and passed, and the title changed to that of an act, to amend the several acts concerning the trial of slaves, ordered, that the same be sent to the senate for their concurrence.

Also the bill providing for the determination of suits and controversies by arbitration, which was read the second time and made the order of the day for a third reading on to-morrow.

Also the bill to amend the acts respecting weights and measures. Mr. Walker moved to amend said bill, by inserting the word pewter after the word copper, which was decided in the affirmative,—which bill was read the second time and made the order of the day for a third reading on to-morrow.

Also the bill to establish the seat of justice in the county of Montgomery, and for other purposes.

Mr. Cleveland moved to amend said bill, by striking out the third and fourth sections, which was decided in the affirmative. Mr. Edmonson moved to strike out the name of Jones Ashly in the first section, which was decided in the affirmative.

Mr. Edmonson also moved, that the name of William A. Campbell be inserted in lieu thereof, which was decided in the affirmative, which bill was read the second time, and made the order of the day for a third reading on to-morrow.

Also the bill to authorise the administratrix of Josiah

**Woods, deceased, and Edmond J. Bailey to sell certain real estate, which was read the second time and made the order of the day for a third reading on to-morrow.**

**Also the bill to provide for the removal of the public offices, which was read the second time, and made the order of the day for a third reading on to-morrow.**

**Also the bill to prevent malicious or fraudulent mischief. On motion of Mr. Everitt, ordered that said bill be committed to a committee of the whole, and made the order of the day for Tuesday next.**

**Also the bill to change the name of the county of Cahawba, which was read the first time, and made the order of the day for a second reading on to-morrow.**

**Also the bill to prevent frauds and fraudulent combinations in the sale of public lands within this state, which was read the first time.**

**Mr. Lamkin moved for said bill to be indefinitely postponed, which was decided in the negative. The yeas and nays being called for, were as follows :**

**AYES—messrs. Birney, Edmouson, Exum, J. Fitzpatrick, Lamkin, Murrill, Moody, Thompson, Walker and Wilson, 10. NOES—messrs Speaker, Byler, Bigham, John Brown, Isaac Brown, Bates, Cleaveland, Creagh, Chapman, Coats, Dennis, Dillahunt, Everitt, P. Fitzpatrick, Hill, Hardwick, Jones, King, Lee, McBee, Matterson, Owen, Perkins, Peters, Saffold, Seargent, Sims, Townes, Taylor, Vaughan, Whitaker, Weedon, Watts and Winston, 34.** which bill was read the first time, and made the order of the day for a second reading on to-morrow.

**Mr. Vaughan from the committee of enrolled bills, made the following report, the committee have examined the following acts, viz.**

**An act to authorise Thomas Johnston, to manumit a certain person of colour therein named.**

**An act permanently to fix the seat of justice in the county of Lawrence.**

**An act to appoint commissioners to lay out a road therein named.**

**An act providing for the preservation of public arms, And an act to provide for the sale of lots in the town of Cahawba, which several bills originated in the senate, and find the same truly enrolled.**

**On motion of Mr. Byler, ordered, that the report of**



the committee of the whole house, on the bill to prevent abuses in taking up strays, be taking up.

On motion of Mr. Owen, ordered, that this house do now adjourn until 3 o'clock this evening.

Three o'clock—The house met pursuant to adjournment, and proceeded to the consideration of the report of the committee of the whole, on the bill to prevent abuses in taking up strays, which on motion of Mr. Cleaveland, was ordered to lie on the table.

The house then resumed the order of the day, on

A bill to provide for the appointment of county officers, which being read the first time, was ordered to be made the order of the day for a second reading on tomorrow.

Mr. Everitt moved the adoption of the following resolutions.

Resolved, that the senate be informed that the house of representatives will be ready at six o'clock this evening, to go into the election of judges of the county court, for the counties of Mobile, Baldwin, Clarke, Washington, Monroe, Conecuh, Henry and Butler, and at six o'clock on monday evening, for judges of said court, for the counties of Willcox, Marengo, Green, Perry, Dallas, Autauga, Montgomery, Cahawba and Shelby, and on tuesday evening at the same hour, for judges of said court, for the counties of St. Clair, Tuscaloosa, Blount, Cofaco, Franklin, Marion and Lawrence, and on wednesday evening at the same hour, for judges of said court, for the counties of Lauderdale, Limestone, Madison and Jackson, which was resolved in the affirmative, and on motion of Mr. Everitt, ordered that the senate be informed thereof.

A message from his excellency the governor, by Mr. Hiecock—Mr. Speaker and gent. of the house of representatives. The governor did approve and sign on the third Dec. instant,

An act, for the relief of the assessor, tax collector, and those who are in arrearages for taxes in the county of Lauderdale, for the year 1819.

An act to establish the town of Summerville, in the county of Cofaco.

An act to establish the seat of justice in Limestone county, and for other purposes.

An act to authorise the administrator and administratrix of John Childress, deceased, to sell real estate.

And a resolution, for contracting for public printing, all of which, originated in the house of representatives.

Also a message as follows :

Gentlemen of the senate and house of representatives,  
Having received a communication from the governor of Pennsylvania, inclosing a copy of resolutions, adopted by the legislature of that state, which propose an amendment to the constitution of the United States, I herewith lay the same before the general assembly.

*Signed,*

Wm. W. BIBB.

HUNTSVILLE, Dec. 3. 1819.

Which message with the accompanying documents, were read by the speaker, and

On motion of Mr. Birney, ordered to lie on the table.

The house again resumed the order of the day, on the bill for the encouragement of the destruction of wolves and panthers, which was, on motion of Mr. Chapman, ordered to lie on the table.

On motion of Mr. Vaughan, ordered, that the bill regulating the charges of physicians, be taken up, which being read a second time,

Mr. Sims moved, that said bill be indefinitely postponed, which was decided in the negative, the ayes and noes being demanded, they were as follows, viz.

Those who voted in the affirmative, were messrs. Speaker Isaac Brown Cleveland Coats Dale Hill Harrison Jones King Lee Murrill Matterson Saffold Seargent Sims Thompson Taylor Wilson and Winston, 19.

Those who voted in the negative, were messrs. Byler Birney Bigham John Brown Bates Creagh Chapman Dennis Dillabunty Exum Everitt P. Fitzpatrick J. Fitzpatrick Hardwick Lamkin Moody McBee Townes Vaughan Whitaker Walker Weedon and Watts, 23

On motion of Mr. Townes, ordered, that this house resolve itself into a committee of the whole on said bill, Mr. Walker in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Walker reported that the committee of the whole had according to order, had said bill under consideration, and had made sundry amendments thereto.

Mr. Winston moved that the report of said committee

be indefinitely postponed, which was decided in the affirmative.

Mr. Sims gave notice that on to-morrow, he would ask leave to bring in a bill to prevent the driving of cattle from the south to the north in the warm season of the year.

A message from the senate, by Mr. Garth.

Mr. Speaker, the senate concur in the resolutions proposing the elections of inferior courts in the several counties in this state, with an amendment thereto, by striking out the counties of Mobile and Baldwin, to which they desire the concurrence of your hon. body.

On motion of Mr. Chapman, ordered, that this house concur in said amendment, and that the senate be informed thereof.

On motion of Mr. Cleaveland, ordered, that this house adjourn until 6 o'clock this evening.

6 o'clock—The house met pursuant to adjournment.

On motion of Mr. Vaughan, ordered, that the senate be informed that this house is now ready to proceed to the election of judges of the county court.

A message from the senate—Mr. Speaker, the senate have adopted the following resolution,

Resolved, that the senate deem it inexpedient to elect the judges of the inferior courts, until a law passes authorising their election, and desire you to agree that said election be postponed.

On motion of Mr. Townes, ordered, that this house concur in said message, and that the senate be informed thereof.

On motion of Mr. Matterson, ordered, that this house adjourn.

Saturday, Dec. 4.

The house met pursuant to adjournment, Mr. Murril presented the petition of John Dixon, praying for a law to be passed, authorising him to emancipate a certain slave therein named.

On motion of Mr. Walker, ordered, that said petition lie upon the table.

A message from the senate by Mr. Garth—Mr.

Speaker the senate insist on the amendment, by them proposed to be made, to a bill affixing salaries to certain officers in this state, so far as relates to the salaries of Judges of the circuit courts.

The house then proceeded to the consideration of the order of the day on the bill regulating the courts of law and equity in this state. Mr. Owen moved to amend said bill by way of rider, adding the following proviso at the end of the 40th section, provided however, that in every case the number of jurors to be summoned for the circuit court shall in no case be less than 36, and for the county court, for the term, for the trial of causes in the counties respectively throughout the state, the number of jurors shall not be less than twenty four—which was decided in the affirmative. Mr. Owen moved further to amend said bill by way of rider, by adding three additional sections, which was decided in the affirmative—which bill as amended, was read the third time, and on motion of Mr. Owen, ordered that said bill lie upon the table until monday next.

Mr. Perkins from the committee of conference, made the following report—your committee appointed on the part of this house to confer with the committee on the part of the senate, upon so much of a bill affixing the salaries of certain officers of this state, ‘as relates to the salaries of Judges and Attorney general,’ have directed me to report to this house, that the conference has been held according to order, and that the committee on the part of the senate intimated that, that body anxious to procure talents and provide adequate compensation for the extraordinary service required as Judges, both for the circuit and supreme courts, feel inclined to give each two thousand dollars, the committee from the house of representatives insisted upon fifteen hundred dollars as adequate and ample compensation, but both committees deeming a conciliation expedient, made several propositions of mutual acquiescence, the committee from the senate proposed the propriety of fixing the sum at nineteen hundred dollars, to which

the committee from the house of representatives, did not feel authorized to consent, and proposed seventeen hundred dollars, to which the committee from the senate disagreed, and proposed seventeen hundred and fifty dollars, to which your committee disagreed—upon that part of the bill relating to the salary of Attorney general, the committee from the senate proposed six hundred and fifty dollars, to which the committee from the house of representatives disagreed, and proposed six hundred dollars, to which the committee from the senate disagreed, and proposed six hundred & twenty-five dollars, to which your committee agreed. On motion of Mr. Everett, ordered that said report lie upon the table.

The house then proceeded to the consideration of the message sent from the senate respecting the amendments proposed by that body to the bill affixing salaries of certain officers within this state. Mr. Birney moved that said message lie upon the table, which was decided in the negative.

Mr. Vaughan moved that this house disagree to said message, as respects the salaries of circuit judges, which was decided in the affirmative.

On motion of Mr. Walker, ordered that this house postpone the further consideration of said message until Tuesday next.

On motion of Mr. Dale, ordered that this house adjourn until Monday next, at 10 o'clock.

MONDAY, December 6, 1819.

The house met pursuant to adjournment.

Mr. Lamkin presented the petition of Lucretia Stammers of the county of Madison, praying a law to authorise her to keep together certain property for a certain time &c. On motion of Mr. Lamkin, ordered that said petition be referred to a select committee—whereupon messrs. Lamkin and Walker were appointed.

Mr. Exum from the committee to whom was referred the petition of the administrators and administratrix of James Hartgrove deceased, reported a bill to authorise said administratrix and administrators, to sell a certain

quarter section of land, which was read the 1st time, & made the order of the day for a 2d reading on tomorrow.

The house proceeded to the consideration of the order of the day on the bill to regulate the courts of law and equity of this state and the question being put, shall this bill pass, it was decided in the affirmative, and the title changed to that of an act to regulate the courts of law and equity of this state, ordered that the same be sent to the senate for their concurrence.

Also the bill to authorise the administratrix of Josiah Woods deceased and Edmond J. Bailey to sell real estate, which was read the third time and passed, ordered that the same be returned to the senate.

Also the resolution fixing the time of adjournment of the present session of the legislature and other purposes. Mr. Owen moved that Saturday the 11th be struck out, which was decided in the affirmative. Mr. Owen moved that said blank be filled with Wednesday the 15th, which was decided in the affirmative—which resolution was read the 3rd time and passed. Ordered that the same be sent to the senate for their concurrence.

A message from the senate by Mr. Garth—Mr. Speaker: The senate have passed the following bills.

An act to provide for the inspection of lumber and other articles.

An act to incorporate the town of Moulton, in the county of Lawrence.

An act to lease certain salt springs—and

An act to alter and amend the laws respecting strays, in which they desire your concurrence.

They have also passed an act to establish and incorporate the town of Courtland in the county of Lawrence—and

An act to provide for the payment of Libby Jones, which originated in your honorable body.

Also the bill to establish the seat of justice in the county of Montgomery, which was read the 3d time and passed, ordered that the same be returned to the senate as amended, for their concurrence.

Also the bill respecting weights and measures, which was read the third time and passed, ordered that the same be returned to the senate as amended, for their concurrence.

Also the bill providing for the determination of suits and controversies, by arbitration which was read the third time and passed. Ordered that the same be returned to the senate.

Also the bill to provide for the appointment of county officers. On motion of Mr. Owen, ordered that said bill lie upon the table.

Also the bill to prevent frauds and fraudulent combination in the sale of public lands within this state.

Mr. Owen moved that the words "criminal laws of this state" in the — section and — line, be struck out, which was decided in the affirmative. On motion of Mr. Owen, ordered that the words "provisions of this act" be inserted in lieu thereof.

Mr. Lamkin moved that the whole of the first section be struck out, which was decided in the negative, the ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Edmonson, Exam, Lamkin, Murrell, Moody, Thompson, Towne, Walker, and Wilson, 9. NOES—Messrs. Speaker, Byler, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Crough, Dale, Dennis, Dillabonty, Everett, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lee, Matterson, McCarley, Owen, Perkins, Peters, Safield Sargeant, Sims, Taylor, Vaughan, Whiteker, Weedon, Watts & Winston. 24.

Mr. Everett moved that said bill be committed to a committee of the whole, and made the order of the day for tomorrow, which was decided in the negative— which bill was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill appointing additional commissioners to the town of Huntsville, which was read the second time and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

Also the bill to change the name of the county of Cahawba to that of Sevier.

Mr. Winston moved that the word *Sevier* be stricken out, which was decided in the affirmative.

On motion of Mr. Winston, ordered that the word **Pike** be inserted in lieu thereof, which bill was read the second time, and made the order of the day for a third reading on to-morrow.

Also the bill to provide for the removal of public offices, which was read the third time and passed, ordered that the same be returned to the senate.

Also the bill to incorporate the Alabama bridge company. Mr. Sveritt moved, that the further consideration of said bill be postponed until the first Monday in Nov. next, which was decided in the affirmative.

Also the bill to lease certain salt springs, which was read the first time, and made the order of the day for a second reading on to-morrow.

Also the bill to provide for the inspection of lumber and other articles therein named, which was read the first time, and made the order of the day for a second reading on to-morrow.

Also the bill to incorporate the town of Moulton, which was read the first time, and made the order of the day for a second reading on to-morrow.

Also the bill to alter and amend the laws respecting strays, which was read the first time and made the order of the day for a second reading on to-morrow.

Also the bill to alter and amend the laws regulating the admission and practice of councillors and attorneys at law, which was read the second time.

Mr. Townes moved that the words "supreme court of this state" in the first section, be stricken out, which was decided in the negative.

Mr. Bigham moved an amendment to the oath in the second section, which was decided in the negative, ordered, that said bill be engrossed for a third reading, and made the order of the day for to-morrow.

On motion of Mr. Owen, ordered, that this house adjourn until 3 o'clock this evening.

Three o'clock, Dec. 6.

The house met pursuant to adjournment.

On motion of Mr. Vaughan, ordered, that a committee be appointed to bring in a bill for the relief of debtors



in certain cases, whereupon, messrs. Vaughan, John Brown and McCarley, were appointed.

On motion of Mr. Vaughan, ordered that the bill providing for the appointment of county officers be taken up.

On motion of Mr. Vaughan, ordered that this house resolve itself into a committee of the whole on said bill, Mr. Dillahunty in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Dillahunty reported, that the committee of the whole had according to order, had said bill under consideration, and had made sundry amendments thereto.

On motion of Mr. Owen, ordered that the report of said committee lie upon the table.

On motion of Mr. Hardwick, ordered that this house adjourn.

Tuesday, Dec. 7.

The house met pursuant to adjournment. Mr. Walker from the committee of propositions and grievances, to whom was refered the petition of Nancy Hunter, reported a bill for the relief of Nancy Hunter, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Lankin from the select committee, to whom was refered the petition of Lucretia Stammers, reported a bill for the relief of Lucretia Stammers, of Madison county, widow of Henry Stammers, deceased, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Townes from the select committee appointed for that purpose, reported a bill to amend the several acts concerning ferries, which was read the first time, and made the order of the day for a second reading on tomorrow.

The house then took up, and proceeded to the consideration of the amendments, made in committee of the whole, to a bill providing for the appointment of county officers.

On motion of Mr. Vaughan, ordered, that this house take up the same amendment by amendment.

Mr. Vaughan moved, that this house concur in the amendment, authorising the county courts, to appoint assessors and tax collectors, which was decided in the affirmative. The ayes and noes being called for on said question, were as follows :

AYES—Messrs. Speaker Birney, Creagh, Coats, Dale, Dillahunty, Exum, Hill, Harrison, Lankin, Merrill, Moody, Matterson, Owen, Perkins, Peters, Saffold, Sargeant, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Watts and Winston, 26. NOES—Messrs. Byler, Bigham, John Brown, Isaac Brown, Bates, Chapman, Carson, Everitt, P. Fitzpatrick, Hardwick, Jones, King, Lee, McBee, McCurley, Walker, Weedon and Wellborne, 18.

Mr. Owen moved that this house concur in the amendment, adding three additional sections, between the 14th and 15th sections of said bill, which was decided in the affirmative. The ayes and noes being called for on said question, they were as follows :

AYES Messrs. Speaker L. Brown, Bates, Cleveland, Creagh, Carson, Coats, Dale, Edmonson, J. Fitzpatrick, Hill, Harrison, King, Lee, Merrill, McBee, Matterson, Owen, Perkins, Peters, Saffold, Sargeant, Sims, Thompson, Taylor, Watts and Winston, 27. NOES, Messrs. Byler, Birney, Bigham, J. Brown, Chapman, Dennis, Dillahunty, Exum, Everitt, P. Fitzpatrick, Hardwick, Jones, Lankin, Moody, McCurley, Townes, Vaughan, Whitaker, Walker, Weedon, Wellborne and Wilson, 22.

Which other amendments were read and concured in,

Mr. Everitt moved that said bill be amended, by adding an additional section by way of rider, between the 15th and 16th sections, which was decided in the affirmative, which bill as amended was read the second time, and made the order of the day for a third reading on tomorrow.

Mr. Birney asked for, and obtained leave to bring in a bill, compelling sheriffs to pay over monies by them collected, whereupon, messrs. Birney, Chapman and Everitt, were appointed a committee for that purpose.

A message from the senate, by Mr. Chambers—Mr. Speaker, the senate have passed a bill to provide for the organization and discipline of the militia of the state of Alabama, and have amended the same by striking out said bill from the 1st section thereof, and inserting the substitute herewith sent, in which they desire your concurrence.

The house proceeded to the consideration of the order of the day, on the bill to authorise the administratrix and administrators of James Hargrove, deceased,

to sell a certain quarter section of land, which was read the second time, and ordered to be engrossed for a 3d reading and made the order of the day for tomorrow.

Also the bill, together with the message sent from the senate, a fixing the salaries of certain officers within this state.

Mr. Owen moved that the amendment made by the senate to said bill, as respects the salary of circuit judges, be amended by inserting the words eighteen hundred, which was decided in the negative. The ayes and noes being called for on said question, were as follows :

AYES—Messrs. Speaker Birney Creagh Chapman Dale Davis Exum Lamkin Murrell Moody Matterson Owen Perkins Peters Saffold Thompson Townes and Taylor. 18. NOES—Messrs. Byler Bigham John Brown, I. Brown, Bates Cleveland Coats Dennis Dillahunty Edmoason J. Fitzpatrick Hardwick Jones King Lee McBee McCarley Vaughan Whitaker Walker Weedon Wellborne Watts and Winston. 25.

Mr. Vaughan moved that the same be amended, by inserting the words seventeen hundred and fifty, which was decided in the affirmative. The ayes and noes being called for on said question, they were as follows :

AYES : Messrs. Speaker, Birney, Bigham, Cleveland, Creagh, Chapman, Coats, Dale, Davis, Exum, Everett, Harrison, King, Lamkin, Murrell, Moody Owen, Perkins, Peters, Saffold, Thompson, Towns, Taylor, Vaughan, Walker, Whitaker and Wilson, 26. NOES—Messrs. Byler, J. Brown, I. Brown, Bates, Dennis, Dillahunty, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, Lee, McBee, Matterson, McCarley, Seargent, Sims, Weedon, Wellborne, Watts and Winston. 22.

Mr. Birney moved that the amendment made by the senate to said bill, as respects the salary of the attorney general, be amended by inserting the words six hundred and twenty-five, which was decided in the affirmative, ordered that the same be sent to the senate for their concurrence.

Mr. Davis presented the petition of sundry inhabitants of the county of Limestone, praying a law to be enacted, authorising the clearing out, and making Limestone creek navigable.

On motion of Mr. Davis, ordered that said petition be refered to a select committee, whereupon, messrs. Davis, Exum and Whitaker were appointed.

The house resumed the order of the day, on the bill to appoint additional commissioners for the town of

Huntsville, which was read the 3rd time and passed, and the title changed to that of an act, to appoint additional commissioners for the town of Huntsville, ordered, that the same be sent to the senate for their concurrence,

Also the bill to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law, which was read the third time and passed, and the title changed to that of an act, to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law, ordered, that the same be sent to the senate for their concurrence.

Also the bill to change the name of the county of Cahawba, which was read the third time and passed, ordered that the same be returned to the senate, as amended for their concurrence.

Also the bill to prevent frauds and fraudulent combinations in the sale of public lands within this state.

Mr. Perkins moved, that said bill be amended by adding an additional section by way of rider, which was decided in the affirmative, which bill was read the third time and passed, ordered that the same be returned to the senate, as amended for their concurrence.

On motion of Mr. Dillahunty, ordered, that this house adjourn until 3 o'clock this evening.

3 o'clock Dec. 7.

The house met pursuant to adjournment—The house proceeded to the consideration of the order of the day, on the bill to lease certain salt springs, which was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to alter and amend the laws respecting strays, which was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to incorporate the town of Moulton, which was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to provide for the inspection of lumber and other articles therein named, which was read the

second time, and made the order of the day for a third reading on tomorrow.

Also the bill, as amended by the senate, to provide for the organization and discipline of the militia of the state of Alabama.

On motion of Mr. Perkins, ordered, that said bill be recommitted to the military committee.

On motion of Mr. Perkins, ordered, that the bill to incorporate the town of Tuscaloosa be taken up, and the amendments made by the senate to said bill being read, the same was concurred in.

On motion of Mr. Lankin, ordered, that this house adjourn until tomorrow 9 o'clock.

Wednesday, Dec. 8.

The house met pursuant to adjournment—Mr. Davis from the select committee to whom was refered the petition of sundry inhabitants of the county of Limestone, praying for a law to be passed authorising the clearing out, and making Limestone creek navigable, reported a bill to authorise the improvement of the navigation of Limestone creek, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Sims in conformity to notice given some days past, introduced a bill to prevent the driving of distempered cattle into, and through this state, which was read the first time, and made the order of the day for a second reading on tomorrow.

Mr. Birney from the committee of ways and means, reported a bill raising a revenue for the support of government, for the year 1820, which was read the first time, and the question being put, shall this bill be read a second time, it was decided in the affirmative.

Mr. Birney moved that the rule for the government of this house, as relating to the manner in which bills shall be read, be dispensed with for the present, and there being more than four fifths of the house in favour of the same, it was decided in the affirmative.

On motion of Mr. Birney, ordered, that this house re-

olve itself into a committee of the whole on said bill, Mr. Dillahunty in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Dillahunty reported that the committee of the whole, had according to order, had said bill under consideration, and had made sundry amendments thereto, and to which he asked the concurrence of the house.

A message from the senate by Mr. Farmer—Mr. Speaker, the senate have adopted the following resolution—Resolved, that the senate will be in readiness to meet the house of representatives in their chamber on Thursday next, at the hour of 12 o'clock. meridian, for the purpose of proceeding to the election of a public printer, in which they ask your concurrence.

The senate have appointed messrs. Garth, Terrill and Metcalf, as a committee to act with the committee appointed by your hon. body, to memorialize congress on the subject of lands purchased of the United States, by the citizens of this state.

Also the following message by Mr. Farmer—Mr. Speaker, the senate have passed an act, to extend the corporation of the town of Huntsville, in Madison county.

An act for the benefit of the Madison lodge and Alabama lodge, which originated in your hon. body, and have amended the title thereof, to read an act, to authorise a lottery for the benefit of the Madison lodge and Alabama lodge. They have passed a resolution to authorise the governor to settle the accounts between this state and the state of Mississippi, and have amended the same by striking out the preamble.

They concur in the amendments by you proposed, to a bill to provide for leasing the 16th section in each township in this state.

A message from the senate by Mr. Moore—Mr. Speaker, the senate have concurred in the amendments made by your hon. body, on the following, an act to establish the seat of justice in the county of Montgomery, and for other purposes.

An act to amend the acts respecting weights and measures.

An act affixing salaries to certain officers within the state of Alabama. They have passed the following an act, to authorise John Smith, sen. to make a title to land therein named.

An act specifying the causes and manner of removing clerks, to which they desire your concurrence.

They have passed an act, to appoint pilots to pilot boats through the Muscle-shoals in Tennessee river, and propose to amend the same by striking out the word fifteen, and inserting ten, and

An act, to regulate elections, &c. and have made sundry amendments thereto, herewith sent, to which they desire your concurrence.

On motion of Mr. Dillahunty, ordered that this house adjourn until 3 o'clock this evening.

3 o'clock, Dec. 8.

The house met pursuant to adjournment.

The house proceeded to the consideration of the amendments proposed in committee of the whole, to a bill raising the revenue for the support of government for the year 1820.

Mr. Chapman moved that this house concur in the amendment proposing to tax practicing attorneys and physicians, gold and silver watches kept for use, and clocks kept for use, which was decided in the affirmative. The ayes and noes being called for on said question, they were as follows :

AYE—Messrs. Byler Bigbam John Brown Cleveland Chapman Coate Dennis Davis Dillahunty Everett P. Fitzpatrick J. Fitzpatrick Jones King Lee McBee Owen Peters Saffold Taylor Vaughan Walker Weedon Wellborne Watts and Winston, 26. NOES—Messrs. Speaker Birney Isaac Brown, Bates Creagh Edmonson Exum Hill Harrison Lanikin Murril Moody Materson McCarley Perkins Sargent Sims Thompson Townes and Wilson, 20. which other amendments being read, were in part concurred in.

Mr. Davis moved that the 1st section of said bill be amended by adding the following, provided that no lands shall be taxed, except such as are paid for, which was decided in the negative. The ayes and

noes being called for on said question, they were as follows :

AYES—Messrs. Byler, Davis Wilson, and Winston, 4. NOES—messrs. Speaker, Buncey, Bigham, John Brown, Isaac Brown, Cleveland Creagh, Chapman, Coats, Dennis Dillahunt, Edmonson, Everitt, P. Fitzpatrick, Hill, Hardwich, Harrison, Jones, Lamkin, Lee, Murrell, Moody, Matterson, McCarley, Owen, Perkins, Peters, Saffold, Seargent, Sims, Thompson, Townes Taylor, Vaughan, Weedon, Wellborne, and Watts, 38.

Which bill was read the second time, and ordered to be engrosed for a third reading, and made the order of the day for tomorrow.

Mr. Lamkin from the military committee to whom was referred the bill, as amended by the senate providing for the organization and discipline of the militia of this state, reported the same as amended. Mr. Walker moved that the amendment made by the committee to the second and third sections of said bill be amended by altering the number of divisions and brigades, and arranging the same differently, which was decided in the affirmative. Mr. Perkins moved that said bill be recommitted to the military committee, which was decided in the negative. Mr. Weedon moved that said bill lie upon the table, which was decided in the negative. Mr. Lamkin moved that the second and third section of said bill as amended, be recommitted to the military committee, which was decided in the negative. Mr. Owen moved that this house concur in the report of said committee, which was decided in the affirmative—the ayes and noes being called for on said question, they were as follows :

AYES—messrs. Speaker, Byler, Birney, Bigham, Bates, Cleveland, Chapman, Carson, Coats, Dale, Dennis, Davis, Dillahunt, Exum, P. Fitzpatrick, J. Fitzpatrick, Hardwich, Harrison, Jones, King, Lamkin, Murrell, Moody, Owen, Saffold, Seargent, Taylor, Vaughan, Walker, Weedon, Wilson, and Winston, 32. NOES—messrs. John Brown, Isaac Brown, Creagh, Edmonson, Everitt, Hill, Lee, McEe, Matterson, Perkins, Peters, Sims, Townes, and Watts, 15.

Mr. John Brown moved that said bill be indefinitely postponed, which was decided in the negative.

On motion of Mr. Chapman, ordered that this house adjourn.

THURSDAY, 9th December 1849.

The house met pursuant to adjournment.

Mr. Vaughan presented the petition of Walter



Aday, praying certain priviledges. On motion of Mr. Vaughan, ordered that said petition be referred to a select committee—whereupon messrs. Vaughan, Moody and Jones, were appointed.

Mr. Everett from the committee to contract for public printing, made a report on that subject, and on motion of Mr. Everett, said committee were discharged from the further consideration thereof.

The house proceeded to the consideration of the message sent from the senate, “as respects going into an election today at twelve o’clock, for the purpose of electing a public printer. On motion of Mr. Everett, ordered that the same be concurred in.

The house then proceeded to the further consideration of the bill providing for the organization and discipline of the militia of this state.

On motion of Mr. Walker, ordered that this house reconsider the amendment made to the second and third sections of said bill on yesterday. Mr. Dillahunty moved that the same be strack out, which was decided in the affirmative. Mr. Walker moved that the same be amended by substitute, which was decided in the affirmative—which amendment being read, ordered that the same be returned to the senate for their concurrence.

The house proceeded to the coasideration of the following acts, as amended by the senate.

An act for the benefit of Madison Lodge and Alabama Lodge.

An act appointing pilots to pilot boats through the Muscle Shoals in the Tennessee river—and

A resolution to authorise the Governor to settle the accounts between this state and the state of Mississippi, which amendments were severally concurred in.

Also an act regulating elections, and for other purposes, as amended by the senate, which was concurred in.

Mr. Exum moved that the amendment of the senate (as relates to election precincts in Limestone county,)

be amended, by inserting the words *Kisers shop*, which was decided in the affirmative. Ordered, that ~~the same~~ be returned to the senate for their concurrence.

Mr. Owen moved to reconsider the vote of the house in concurring with the senate as respects the election of a public printer, which was decided in the affirmative. The motion on agreeing to the communication from the senate, was withdrawn, and on motion of Mr. Owen, ordered the resolution from the senate, lie on the table.

Mr. Birney from the committee of ways and means, reported a joint resolution authorizing the Governor to effect a loan from certain banks, for the purpose of the government, which being read the first time; four fifths of the house concurring, the rule was dispensed with, and said resolution was read a second time forthwith. On motion of Mr. Davis, the rule was dispensed with, and said resolution ordered to be engrossed, and read a third time at three o'clock this afternoon.

On motion of Mr. Owen, ordered that the motion discharging the committee as respects public printing be reconsidered. On motion of Mr. Owen, ordered that said committee be reinstated.

The house resumed the order of the day on the bill providing for raising a revenue for the support of government, for the year 1820. Mr. Walker moved that said bill lie upon the table, which was decided in the negative.

Mr. Byler moved that the blank be filled with one dollar, as respects the am't slaves shall be taxed, which was decided in the negative. Mr. Townes moved that said blank be filled by inserting the words seventy five cents, which was decided in the affirmative—the ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Speaker Byler Birney Bigham J. Brown I. Brown Bates Coats Edmundson Exum Everett J. Fitzpatrick Hal Harrison King Lamkin Lee McBee Matterson Owen Perkins Suffolk Thompson Townes Taylor Whitaker Walker Weedon and Wilson, 29. NOES—Messrs. Cleveland Creagh Chapman Carson Dale Dennis Dav's Dillahunty P. Fitzpatrick Hardwich Jones Merrill Sargeant Sims Vaughan Weddourn Watts and Winston, 18. Mr. Perkins moved that the blank "as respects taxing free males," be filled by inserting fifty cents, which was decided in the negative. The ayes and noes being called for on said question, they were as follows :

**AYES**—P. Fitzpatrick, Murrell, Perkins, and Thorapson, 4.

**NOES**—Messrs Speaker, Byler, Birney, Bigham John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Carson, Coats, Dennis, Dale, Davis, Dillabunt, Edmonson, Everett, Exum, J. Fitzpatrick, Hib, Hardwick, Harrison, Jones, Lankin, Lee, King, McBee, Mitterson, Owen, Saffold, Seargent, Sims, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon, Watts, and Winston, 43.

Mr. Byler moved that said blank be filled by inserting the words, twenty five cents, which was decided in the affirmative.

Mr. Byler moved that said bill be amended by way of rider, as respects taxing free males by inserting after the word twenty one “and not above forty five,” which was decided in the affirmative—which bill being read the third time, and the blanks respectively filled; Mr. Davis moved to amend the third section by way of rider after the word Jackass, by inserting “and all neat cattle owned by any one man — cents,” which was decided in the affirmative. Mr. Matterson moved to fill said blank by inserting the words *two cents*, which was decided in the affirmative. Mr. Everett moved that said bill be amended by adding an additional section by way of rider, which was decided in the negative.

Mr. Chapman moved that this house reconsider the vote just taken, filling the blank as respects the amount bank stock should be taxed, which was decided in the affirmative. Mr. Townes moved that said blank be filled with the word *fifty cents*, which was decided in the affirmative.

Mr. Chapman moved that this house reconsider the vote on filling the blank as respects the penalty of the president and directors in not paying tax due on bank stock &c. which was decided in the affirmative.

On motion of Mr. Chapman, ordered that five hundred be stricken out.

On motion of Mr. Chapman, ordered that said blank be filled with one thousand.

Mr. Perkins moved that said bill be recommitted to the committee of ways and means, which was decided in the negative. The question being put shall this bill pass, it was decided in the affirmative, and the title being changed to that of an act, providing for raising a

revenue for the support of government. for the year 1820, ordered that the same be sent to the senate for their concurrence.

On motion of Mr Hardwich, ordered that this house adjourn until 3 o'clock this evening.

Three o'clock—The house met pursuant to adjournment.

Mr. Vaughan from the select committee to whom was referred the petition of Walter Aday, reported a bill for the benefit of Walter Aday, which was read the first time, and made the order of the day for a second reading on tomorrow.

The house proceeded to the consideration of the order of the day, on the bill to authorise the administratrix and administrator of James Hargrove, deceased, to sell a certain quarter section of land, which was read the third time and passed, and the title changed to that of an act, to authorise the administratrix and administrator of James Hargrove, deceased, to sell a certain quarter section of land, ordered that the same be sent to the senate for their concurrence.

Also the bill to provide for the inspection of lumber and other articles therein named, which was read the third time and passed, ordered that the same be returned to the senate, as amended for their concurrence.

Also the bill to provide for the appointment of county officers, which was read the third time and passed, and the title changed to that of an act to provide for the appointment of county officers and other purposes, ordered that the same be returned to the senate as amended for their concurrence.

Also the bill to lease certain salt springs, which was read the third time and passed, ordered that the same be returned to the senate.

Also the bill to incorporate the town of Moulton, in Lawrence county, which was read the third time and passed, ordered that the same be returned to the senate.

Also the joint resolution authorising the governor to effect a loan from certain banks for the purpose of the

support of government, which was read the third time and passed, ordered that the same be sent to the senate for their concurrence.

Also the bill to alter and amend the laws respecting strays, which was read the third time and passed, ordered that the same be returned to the senate.

Also the bill to amend the several laws regulating public ferries, which was read the second time and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

Also the bill to prevent the driving distempered cattle into and through this state, which was read the second time.

Mr. Weedon moved that said bill be postponed until the 4th July next, which was decided in the negative.

On motion of Mr. Saffold, ordered that said bill lie upon the table.

Also the bill to authorise the improvement of the navigation of Limestone creek. Mr. McBee moved that said bill be indefinitely postponed, which was decided in the affirmative, the ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Burney, Bigham John Brown Isaac Brown, Cleveland, Creagh, Coates, Exum, Hill, Jones, King, Lanekin, Lee, Merrill, McBee, Matterson, Owen, Saffold, Seargent, Sims, Whitaker, Wellborne, Watts and Winstou, 24. NOES—Messrs. Speaker, Byler, Dennis, Davis, Dillahunty, Everitt, P. Fitzpatrick, Hardwich, Perkins, Townes, Taylor, Vaughan, Walker and Weedon, 14

Also the bill for the relief of Lucretia Stammers, of Madison county widow of Henry Stammers, deceased, which was read the second time, and ordered to be engrossed for a third reading, and made the order of the day for tomorrow.

Also the bill for the relief of Nancy Hunter, which was read the second time.

Mr. Matterson moved that said bill be indefinitely postponed, which was decided in the negative, ordered that said bill be engrossed for a third reading, and made the order of the day for tomorrow.

Also the bill to extend the corporation of the town of Huntsville, in Madison county, which was read the

first time, and made the order of the day for a second reading on tomorrow.

Also the bill specifying the causes and manner of removing clerks, which was read the first time and made the order of the day for a second reading on tomorrow.

Also the bill to authorise John Smith, sen. to make a title to land therein named, which was read the first time and made the order of the day for a second reading on tomorrow.

On motion of Mr. Owen, ordered that this house take up the bill to digest the laws of the state of Alabama, which was read the second time.

Mr. Owen moved that said bill be amended, by striking out in the first section, from the word *convened* to the words *whose duty* in said section, which was decided in the affirmative. The ayes and noes being called for on said question they were as follows:

AYES—Messrs. Speaker, Birney, John Brown, Isaac Brown, Bates, Creagh, Chapman, Coats, Dale, Dennis, Dillabunt, Edmonson, Everitt, Lamkin, Merrill, Matterson, Owen, Perkins, Sims, Townes, Taylor, Vaughan, Whiteker and Weilborne, 25. NOES—Messrs. Byler, Bigham, Cleaveland, Dennis, Exum, P. Fitzpatrick, Jones, King, Lee, McBee, Seargent, Weedon, Watts and Winston, 14.

On motion of Mr. Lee, ordered that this house adjourn until tomorrow 9 o'clock.

FRIDAY, December 10, 1819.

The house met pursuant to adjournment.

Mr. Townes from the committee of ways and means, reported a bill relating to licences granted to tavern keepers, and hawkers and pedlars, which was read the first time, four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time forthwith, ordered that the same be engrossed for a third reading and made the order of the day for tomorrow.

A message from the senate by Mr. Rose—Mr. Speaker, the senate have passed the following resolution, relative to the petitioning congress to establish a land office at Tuscaloosa and Conecuh court house, which originated in your hon. body, also

An act to suppress duelling, originating also in your

hon. body, to which they have made sundry amendments, to which they desire you to agree.

The senate disagree to your amendment to an act to change the name of the county of Cahawba.

The senate have passed the resolution authorising the governor to effect a loan from certain banks, for the purposes of the government, and propose to amend the same by striking out the word government, and inserting in lieu thereof the word state.

Mr. Townes from the committee of ways and means, reported a bill to amend the several acts relating to assessors and collectors of the public revenue, which was read the first time, four fifths of the house concurring, the rule was dispensed with, and said bill was read the second time, and ordered to be engrossed and made the order of the day for a third reading on tomorrow.

Mr. Chapman asked for, and obtained leave to introduce a bill for the relief of Rebecca Ann Bondurant, which was read the first time, four fifths of the house concurring, the rule was dispensed with, and said bill being read the second time by its title, and the same was read the third time and passed, and the title being changed to that of an act, for the relief of Rebecca Ann Bondurant, ordered that the same be sent to the senate for their concurrence.

Mr. Birney moved that the vote taken yesterday, on postponing indefinitely the bill to authorise the improvement of the navigation of Limestone creek be reconsidered, which was decided in the negative.

The house proceeded to the further consideration of the bill to digest the laws of the state of Alabama.

Mr. Dillahunty moved that this house reconsider the vote taken yesterday on striking out, which was decided in the negative. The ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Byler, Bigham, Cleveland, Dennis, Dillahunty, Exom, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwich, Jones, King, Lee, McBet, McCauley, Peters, Seargent, Thompson, Taylor, Whitaker, Weeden, Wellbourn, Watts and Wins on, 24. NOES—Messrs. Spraker, Pirney, John Brown, Isaac Brown, Bates, Crough, Chapman, Coats, Dale, Davis, Edmondson, Hill, Harrison, Lanikin, Murrill, Moody, Matterson, Owen, Perkins, Saffold, Sims, Townes, Vaughan, Walker and Wilson, 25

Mr. Davis moved that said bill be amended by inserting after the word convened, the following (to wit:) *that there shall be appointed by both branches of the Legislature a qualified person, which was decided in the affirmative.* Mr. Owen moved that the third section of said bill be stricken out, which was decided in the affirmative—the ayes and nays being called for on said question, they were as follows :

AYES—Messrs. Speaker Byler Birney John Brown, J. Brown, Cleveland Dale Davis Dillshuntz Edmonson Exum Hardwick Harrison King Lamkin Moody Matterson McCarley Owen Perkins Peters Saffold Thompson Townes Taylor Whitaker Walker and Weedon, 23. NOES—Messrs. Bigham Creagh Coats Dennis Hill Jones Murrell McBee Sargent Sims Vaughan Waits and Weston, 13.

Mr. Birney moved that said bill be amended by inserting a section in lieu of the third section, just stricken out, which was decided in the affirmative.

Mr. Weedon moved that said bill be amended after the word *with*, in the last section and the second line from the bottom, by inserting the following words to wit: *the declaration of Independence and*, which was decided in the affirmative—which bill being severally amended otherwise, the same was read the second time and made the order of the day for a third reading on tomorrow.

The house then proceeded to the consideration of the order of the day on the bill for the relief of Lucretia Stammers of Madison county, widow of H. Stammers, which was read the third time and passed, and the title changed to that of an act for the relief of Lucretia Stammers of Madison county, widow of Henry Stammers. Ordered that the same be sent to the senate for their concurrence.

Also the bill for the relief of Nancy Hunter, which on motion of Mr. Lee, was postponed until the fourth July next.

Also the bill to amend the several acts concerning ferries. Mr. Townes moved that said bill be amended by way of rider, in the 4th section, and 8th line after the word *river* by inserting the following (to wit:) *provided that no keeper of a public ferry shall be compel-*



*led to build cabins on other than his own land, or on lands that he may hold by lease or rent, which was decided in the affirmative—*which bill being read the third time passed, and the title changed to that of an act, to amend the several acts concerning public ferries—ordered that the same be sent to the sent for their concurrence.

On motion of Mr. Lamkin, ordered that this house adjourn until half past 3 o'clock.

Half past three o'clock.

The house met pursuant to adjournment.

The house proceeded to the consideration of the amendment proposed by the senate to the bill to change the name of Cahawba county, which on motion, was concurred in.

Also the resolution authorising the Governor to effect a loan from certain banks for the purposes of government, which amendment on motion, was concurred in.

The house proceeded to the consideration of the order of the day on the bill specifying the causes and manner of removing clerks, which was read the second time, and made the order of the day for a third reading on tomorrow.

Also the bill to extend the corporation of the town of Huntsville in Madison county. Mr. Weedon moved that said bill be amended by inserting in the last line the following (to wit :) *which corporation shall not effect the person or property of Thomas and Wm. Brandon, who resides within the limits of said corporation,* which was decided in the affirmative—*which bill was read the second time, and made the order of the day for a third reading on tomorrow.*

Also the bill to authorise John Smith sen. to make a title to lands therein named, which was read the second time and made the order of the day for a third reading on tomorrow.

Also the bill for the benefit of Walter Aday, which being read the second time, four fifths of the house concurring, the rule was dispensed with, and said bill was

read the third time and passed, and the title changed to that of an act, for the benefit of Walter Aday. Ordered, that the same be sent to the senate for their concurrence.

The house then proceeded to the consideration of the amendments made by the senate to the bill to suppress duelling. Mr. Saffold moved that the amendment as respects the oath, be amended by inserting after the word *state* *since I have been a citizen thereof*, which was decided in the affirmative. Mr. Weedon moved that said bill lie upon the table, which was decided in the negative. Mr. Perkins moved that this house disagree to the amendment proposing three additional sections to said bill, which was decided in the affirmative— which other amendments were severally agreed to. Ordered, that said bill be returned to the senate informing them thereof.

On motion of Mr. Saffold, ordered that the bill to prevent the driving distempered cattle into and through this state, be taken up. Mr. Saffold moved that said bill be amended by striking out the same from the word *convened*, in the first section, which was decided in the affirmative. Mr. Saffold moved to amend the same by substitute, which was decided in the affirmative— which bill was read the second time, and ordered to be engrossed for a third reading and made the order of the day for tomorrow.

On motion of Mr. Walker, ordered that this house resolve itself into a committee of the whole on, the bill to prevent malicious or fraudulent mischief, Mr. Chapman in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Chapman reported that the committee of the whole had, according to order, had said bill under consideration, and had amended the same, and to which he was instructed to ask the concurrence of this house—and which amendment on motion, was concurred in.

Mr. Birney moved that this house reconsider the vote given as respects concurring with the senate as respects

the amendment made to the amendment of this house, to the bill changing the name of the county of Cattawba, which was decided in the affirmative. On motion of Mr. Birney, ordered that this house insist on the amendment proposed by them to said bill.

On motion of Mr. Matterson, ordered that this house adjourn until tomorrow 9 o'clock.

Saturday, Dec. 11.

The house met pursuant to adjournment.

On motion of Mr. Cleveland, resolved, that no new matter be introduced into this house after Saturday, 11th December, 1819, other than the bills of appropriation during the present session.

The house proceeded to the consideration of the order of the day on the bill relating to licences granted to tavern keepers, hawkers and pedlars, which was read the third time and passed, and the title changed to that of an act relating to licences granted to tavern keepers, hawkers and pedlars, ordered that the same be sent to the senate for their concurrence.

Also the bill to amend the several acts, relating to assessors and collectors of the public revenue, which was read the third time and passed, and the title changed to that of an act, to amend the several acts, relating to assessors and collectors of the public revenue, ordered that the same be sent to the senate for their concurrence.

Also the bill to prevent the driving of distempered cattle into and through this state.

Mr. Byler moved that said bill be amended by way of rider, by adding an additional section, which was decided in the negative.

Mr. Dale moved that said bill be indefinitely postponed, which was decided in the affirmative. The yeas and nays being called for on said question, they were as follows :

AYES—Messrs. Speaker, Byler, Birney, Bigham, Bates, Cleveland, Chapman, Carson, Coats, Dale, Dennis, Davis, Dillahunty, Edmonson, Exum, P. Fitzpatrick, J. Fitzpatrick, Hardwich, Harrison, Jones, Linkin, Lee, Murrell, Meedy, McCarley, Owen, Sargeant, Thompson, Whitaker, Walker, Welborn & Watts 32. NOES—Messrs. Isaac Brown, Hill, King, McBee, Matterson, Perkins, Saffold, Sims, Townes, Taylor, Weedon, Wilson and Winston, 17.

Also the bill to digest the laws of the state of Alabama, which was read the third time and passed, and the title changed to that of an act, to compile the laws of the state of Alabama, ordered that the same be returned to the senate as amended for their concurrence.

Also the bill to extend the corporation of the town of Huntsville, in Madison county, which was read the third time and passed, ordered that the same be returned to the senate as amended for their concurrence.

Also the bill to authorise John Smith, sen. to make a title to certain lands therein named, which was read the third time and passed, ordered that the same be returned to the senate informing them thereof.

Also the bill specifying the causes and manner of removing clerks, which was read the third time and passed, ordered that the same be returned to the senate informing them thereof.

Mr. Vaughan from the committee on enrolled bills, reported that said committee had examined the following acts, which originated in the house of representatives, viz.

An act affixing salaries to certain officers within the state of Alabama.

An act to establish and incorporate the town of Courtland, in Lawrence county.

An act to incorporate the town of Tuscaloosa.

An act authorising a lottery for the benefit of Madison lodge and Alabama lodge.

An act to provide for the appointing of pilots to pilot boats through the Muscle Shoals of Tennessee river.

An act providing for the payment of Irby Jones, and

A resolution, vesting the governor with power to settle the account between this state and the state of Mississippi, and was instructed to report the same truly enrolled.

Mr. Saffold from the committee of roads and rivers, reported a bill to appoint commissioners to lay out a certain road in the county of Monroe, which was read the first time, and four fifths of the house concurring,

the rule was dispensed with, and said bill was read a second time forthwith.

Mr. Chapman moved that said bill be indefinitely postponed, which was decided in the affirmative.

Mr. Hardwich presented the petition of a number of inhabitants of a part of St. Clair county, praying to be attached to the county of Jefferson, which on motion of Mr. Perkins, was referred to the committee on county boundaries and seats of justice.

On motion of Mr. Owen, ordered that this house adjourn until 3 o'clock this afternoon.

Three o'clock 11th December.

The house met pursuant to adjournment.

A message from the senate by Mr. Rogers—Mr. Speaker: the senate have read a third time and passed, a bill to regulate the courts of law and equity in this state, and have made sundry amendments thereto—and concur in the amendments made by your honorable body, to the amendments proposed by the senate to an act for the organizing and disciplining the militia of the state of Alabama, and propose to amend the amendment made by your honorable body, to the 5th section; to which they desire your concurrence.

The house proceeded to the consideration of the amendments made by the senate to the amendment of the fifth section of an act to provide for the organization and discipline of the militia of the state of Alabama, which on motion, was concurred in.

Mr. P. Fitzpatrick from the committee of county boundaries and seats of justice, reported a bill to alter and extend the bounds of the county of Jefferson, which was read the first time and four fifths of the house concurring, the rule was dispensed with, and said bill was read the second time forthwith. Ordered, that the same be engrossed for a third reading, and made the order of the day for monday next.

Mr. Perkins moved the adoption of the following resolution to wit:

*Be it resolved by the senate and house of representa-*

*tives of the state of Alabama in General Assembly convened*, that the Judges of each county in this state, shall be elected by joint vote of both houses at the same time, provided that if the first voting the member required for each county court, have not a constitutional majority, then in that case the member having a constitutional majority shall be determined elected at each time of voting until the number be chosen that is required, any other resolution to the contrary notwithstanding. On motion of Mr. Owen, ordered that said resolution lie upon the table.

A message from the senate by Mr. Rogers—Mr. Speaker: The senate have concurred in the amendments made by your honorable body to an act to provide for the inspection of lumber and other articles therein named; and an act to provide for the appointment of county officers.

The house proceeded to the consideration of the amendments made by the senate to an act to regulate the courts of law and equity in this state. Mr. Moody moved that said bill lie upon the table until monday next, which was decided in the negative. The house proceeded to the further consideration of said amendments, when on motion of Mr. Byler, ordered that said bill lie upon the table until monday next.

Mr. Townes presented the petition of sundry mechanics of the town of Huntsville, praying a law for their relief, which on motion, was referred to a select committee—whereupon messrs. Townes, Walker and Birney were appointed.

Mr. Dillahanty asked for, and obtained leave, to introduce a bill to annex the Chickasaw lands in this state to Franklin county, which was read the first time and made the order of the day for a second reading on monday next.

On motion of Mr. Byler, ordered that this house adjourn.

MONDAY, December 13, 1819.

The house met pursuant to adjournment.

The house proceeded to the further consideration of the amendments made by the senate to an act, to regulate the courts of law and equity in this state. Mr. Owen moved that this house disagree to the amendment made to the 25th section of said bill which was decided in the affirmative.

Mr. Dillahuntz moved that the amendment proposed by the senate to the last section, be amended by inserting the following to wit: *And the county of Franklin shall have, and exercise legal jurisdiction in, and over all that tract of country lying within the limits of this state, occupied or claimed by the Chickasaw tribe of Indians;* which was decided in the affirmative.

Ordered, that the same be returned to the senate informing them thereof.

The house proceeded to the consideration of the order of the day on the bill to alter and extend the bounds of the county of Jefferson, which was read the third time and passed, and the title changed to that of an act to alter and extend the bounds of the county of Jefferson. Ordered, that the same be sent to the senate for their concurrence. Also, the bill to annex the Chickasaw lands to the county of Franklin. On motion of Mr. Dillahuntz, ordered that said bill lie upon the table.

On motion of Mr. John Brown, ordered that this house take up the bill as amended by the senate, to provide for the killing, and destroying of wolves and panthers. Mr. John Brown moved that this house concur in the amendments proposed by the senate to said bill, which was decided in the negative. Ordered that the senate be informed that this house disagree to the amendments, by them proposed to said bill.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined the following acts, viz. An act to prevent the obstruction of navigable water-courses within this state.

An act to provide for the examining certain rivers therein named, and for other purposes.

An act to authorise the administratrix of Josiah

Wood, deceased, and Edmond I. Bailey, to sell certain real estate.

An act to provide for the removal of public offices.

An act to authorise Ceasar Kenedy, to manumit certain of his slaves therein named.

An act providing for the determination of suits and controversies by arbitration, which several acts originated in the senate. Also a resolution, to obtain the establishment of additional land offices in this state, and a resolution authorising the governor to effect a loan for the use of the state, which originated in this house, and was instructed to report the same truly enrolled.

A message from the senate by Mr. Moore—Mr. Speaker, the senate have disagreed to the amendments made by your hon. body on the first, second and third sections of the act to compile the laws of the state of Alabama, but agree to your amendment on the 4th section thereof, as far as relates to the words, the declaration of independence,—they agree to the amendments made to the amendment of the senate to a bill to regulate elections. Mr. Owen moved that the vote taken on Saturday last, for postponing a bill to appoint commissioners to lay out a certain road in the county of Monroe, be reconsidered, which was decided in the negative.

A message from the senate by Mr. Chambers—Mr. Speaker, the senate recede from the amendments by them proposed, on the 25th and 26th sections of the bill regulating the proceedings in the courts of law and equity in this state.

Mr. Townes from the committee to whom was referred the petition of sundry mechanics of the town of Huntsville, praying a law for their benefit, reported a bill to secure the compensation due to such mechanics as may be employed in erecting or completing buildings of any discription for individuals, which was read the first time.

Mr. Dillahunty moved that said bill be postponed until the 1st January next, which was decided in the affirmative.



Mr. Weedon moved that a committee be appointed to correct the journals of the 7th instant, which was decided in the affirmative, whereupon, messrs. Weedon, Owen and Everitt, were appointed.

The house then proceeded to the consideration of the bill as amended by this house, to compile the laws of the state of Alabama.

On motion of Mr. Townes, ordered that this house insert on the amendments by them proposed to said bill.

Ordered that the senate be informed thereof.

On motion of Mr. Birney, ordered that the speaker of this house be empowered to employ one or more additional engrossing clerks.

On motion of Mr. Perkins, ordered that this house take up the resolution, respecting the election of county court judges, which being read was rejected.

On motion of Mr. Dale, ordered that this house adjourn until 3 o'clock this afternoon.

Three o'clock—The house met pursuant to adjournment. Mr. Everitt from the select committee, to whom was referred the treasurer's report, made the following report, viz. That said committee had examined said report, and found the same to be correct.

A message from the senate by Mr. Moore—Mr. Speaker, the senate adhere to their disagreement to the amendment proposed by your hon. body, to an act to change the name of the county of Cahawba, by striking out the word *Sevier* and inserting in lieu thereof the word *Pike*. They also adhere to their disagreement to the amendments made by your hon. body, to an act to compile the laws of the state of Alabama.

The house then proceeded to the consideration of the amendment proposed by them, to an act to change the name of the county of Cahawba.

On motion of Mr. Birney, ordered that this house insist on their amendment, and that the senate be informed thereof.

Also their amendments to an act to compile the laws of the state of Alabama.

On motion of Mr. Lee, ordered that this house recede from the amendments by them proposed to said act, ordered that the senate be informed thereof.

Mr. Everitt from the committee of ways and means, moved the adoption of the following joint resolution.

Resolved by the senate and house of representatives of the state of Alabama, in general assembly convened, that Danl. Rather, be and is hereby authorised, as soon as may be after the rising of the general assembly, to sell at public out cry, the chairs, tables, stoves, and other furniture which have been procured for the use of both houses, and after deducting from the amount of sales, such sums as may be necessary to defray charges thereon, pay over the balance into the treasury, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said resolution was read a second time forthwith, ordered that the same be engrossed for a third reading, and made the order of the day for tomorrow.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined an act, to establish certain counties therein named, and for other purposes, which originated in the senate, and was instructed to report the same as truly enrolled.

On motion of Mr. Weedon, ordered that this house adjourn until tomorrow 9 o'clock.

TUESDAY, Dec. 14, 1819.

The house met pursuant to adjournment.

A message from the Governor by Mr. Pickins—Mr. Speaker, I am instructed by the Governor to inform you that he did on the 13th instant approve and sign the following acts, which originated in this house to wit :

An act to provide for the appointing pilots to pilot boats through the Muscle Shoals of Tennessee river.

A resolution authorizing the Governor to effect a loan from certain banks for the purpose of the state.

A resolution vesting the Governor with the authority to settle the accounts between this state and the state of Mississippi.

An act affixing salaries to certain officers within the State of Alabama Lodge.

An act providing for the payment of Irby Jones.

An act authorising a lottery for the benefit of the Madison Lodge and Alabama.

An act to incorporate the town of Tuskalooosa.

An act to establish and incorporate the town of Courtland in the county of Lawrence—and

A resolution to obtain the establishment of additional land offices in this state.

Mr. Weedon from the select committee appointed to examine and correct the journals of this house of the 7th instant, made the following report to wit: that in the 4th page, after the word *bill*, in the 3rd line the following amendment should be inserted to wit: *And be it further enacted*, that it shall be the duty of the sheriffs of the counties throughout the state respectively, whenever any execution shall be placed in their hands, forthwith to proceed to levy the same, and make sale of the property thus levied on, in such time as by law directed, and shall pay the amount obtained by such sale to the party or parties entitled to the same, on the application of the party or parties, within ten days thereafter, under the penalty of 6 per centum per month for every month such sheriff shall fail to pay over such money collected as aforesaid. *And be it enacted*, that it shall be the duty of sheriffs to return all executions, which have not been levied or on which the money has not been made, to the office of the clerk of court from which such execution may have been issued, by the 1st day of the term next succeeding the term from which such execution may have been issued. *And be it further enacted*, that when any sheriff shall fail to perform the duties by this act required the person or persons aggrieved may move against such delinquent sheriff and have judgment entered against such sheriff and his securities in office, for the amount he has failed to pay over as aforesaid, or for failing to return the execution, in manner above directed in the court from which such

execution has issued, upon giving three days notice of such motion to such delinquent sheriff or his securities in office, provided however, that time may be given to such delinquent sheriff to make his defence upon good cause shewn to the court before whom such motion may be made.

In the same page, after inserting the ayes and noes in the amendment, the following has been omitted, which should be inserted to wit: Mr. Perkins moved to transpose said amendment so as to add it after the 15th instead of between the 14th and 15th sections, which was carried in the affirmative. Mr. Weedon moved to strike out the word *forthwith* in the first section of the amendment, which was carried in the affirmative, when Mr. Vaughan moved to strike out the 15th section, which was decided in the negative. On motion of Mr. Everett, ordered that the clerk correct the same.

On motion of Mr. Everett, *ordered* that Mr. Owen be added to the committee of enrolled bills.

The house proceeded to the consideration of the resolution authorizing Daniel Rather to sell certain furniture, which was read the third time and passed. Ordered, that the same be sent to the senate for their concurrence.

Mr. Walker moved the adoption of the following resolution with its preamble—We the representatives of the people of the state of Alabama, sensible of our dependance on Almighty God, the great author of every good, and of the many and distinguished favours which have been bountifully bestowed on the inhabitants of our infant state, and deeming it a solemn duty at all times to acknowledge our obligations to him in whose hand is the destiny of nations, and to whom we are indebted for every blessing; and to implore the continuance of his fartherly and kind protection—*Do resolve and it is hereby resolved*, by the senate and house of representatives of the state of Alabama, in General Assembly convened, that his excellency the Governor, be requested to recommend by proclamation, to the minis-

ters of the Gospel, and to the people of this state, to assemble at their respective places of public worship, on the second Thursday of February next, for the purpose of uniting in such manner as to them may seem meet, in humbling themselves in the presence of the Ruler of the Universe, in asking forgiveness for past transgressions, in returning thanks for the inestimable privileges and peculiar blessings they enjoy, and for the many favors they have received, and in beseeching the farther of mercy to be pleased to continue his fostering care and kind protection of our land and nation.

Mr. Birney moved that this house receive the resolution, prohibiting the receiving of new matter in this house, which was decided in the negative. Mr. Birney moved that said resolution be suspended until tomorrow night, which was decided in the affirmative—when the resolution introduced by Mr. Walker, was read the first time, and four fifths of the house concurring, and said resolution was read a second and third time forthwith and passed. Ordered, that the same be sent to the senate for their concurrence.

Mr. Perkins moved that this house reconsider the vote taken on recinding the resolution preventing new matters being introduced into this house, which decided in the affirmative. On motion of Mr. Owen, ordered that said resolution continue in force.

A message from the senate by Mr. Chambers—Mr. Speaker: The senate have agreed to the amendment made by your honorable body, to an act to extend the corporation of the town of Huntsville in Madison county, originating in the senate.

The house passed an act to alter and amend the laws regulating the admission and practice of counsellors and attorneys at law.

An act to regulate property contracts. And an act to establish a certain public road therein named—and

An act to authorise the administratrix and administrators of James Hartgrove deceased to sell a certain quarter section of land, all originating in your honorable body.

The senate have receded from their amendments, to an act for the encouragement of killing and destroying of wolves and panthers, originating in your hon. body.

Also the following message by Mr. Chambers—Mr. Speaker, the senate have passed a resolution regulating the manner of electing justices of the county courts, in which they desire you to agree.

The house then proceeded to the consideration of a resolution sent from the senate, regulating the manner of electing justices of the county courts, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said resolution was read the second and third time forthwith and passed, ordered that the same be returned to the senate informing them thereof.

On motion of Mr. Birney, resolved, that the senate be informed, that the house of representatives will be ready this evening at 3 o'clock precisely, to proceed to the election of an attorney general, five circuit judges and solicitors, and request their attendance at the aforesaid time, provided that the committee of enrolled bills report the signature of the governor, to a bill regulating the courts of law and equity in this state, previously to said time.

A message from the senate by Mr. Gause—Mr. Speaker, the senate have passed an act, to raise a revenue for the support of government for the year of 1820, which originated in your hon. body, and have amended the same by rider, to which they desire you to agree.

The house proceeded to the consideration of said bill as amended by the senate, which on motion of Mr. Townes was concured in.

Mr. Moody moved to suspend the resolution, prohibiting new matter being introduced in this house during the present session, which was decided in the negative.

On motion of Mr. John Brown, ordered that this house adjourn until half past 2 o'clock.

Half past 2 o'clock, the house met agreeable to adjournment, Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined an act, to provide for the organization and discipline of the militia of the state of Alabama, and was instructed to report the same as truly enrolled.

A message from the senate by Mr. Moore—Mr. Speaker, the senate have passed a bill prescribing the fees and duties of certain public officers, a bill to alter and amend the laws, regulating public roads. A bill to incorporate the steam boat company of Alabama, to which they desire you to agree.

They have passed the following, originating in your hon. body.

An act to establish the seat of justice of Lauderdale county, with amendments herewith sent, to which they desire you to agree.

An act to appoint additional commissioners to the town of Huntsville, and an act, establishing and regulating patrols, they insist on their amendments made to a bill to suppress duelling.

The house proceeded to the consideration of the bill prescribing the fees and duties of certain public officers, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time forthwith, and made the order of the day for a third reading on tomorrow.

Also the bill to incorporate the steam boat company of Alabama, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time forthwith. Mr. Peters moved that said bill be amended by inserting two additional sections between the first and second, which was decided in the affirmative, ordered that said bill be made the order of the day, for a third reading on tomorrow, also the amendments proposed by the senate to an act, to establish the seat of justice in Lauderdale county, which on motion of Mr. Byler was disagreed to, ordered that the senate be informed thereof. Mr.

Vaughan from the committee of enrolled bills reported that said committee had examined an act, to regulate the proceedings of the courts of law and equity in this state, and was instructed to report the same as truly enrolled.

A message from the senate by Mr. Chambers—Mr. Speaker, the senate have passed a bill to establish and regulate justices courts, to which they desire you to agree.

The house proceeded to the consideration of the bill to alter and amend the laws regulating public roads, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time forthwith.

Mr. Weedon moved that said bill be amended by striking out the words six dollars, in the last section, and eighth line from the bottom, which was decided in the negative, ordered that the said bill be made the order of the day for a third reading on tomorrow.

A message from the senate by Mr. Garth—Mr. Speaker, the senate have passed a bill to empower religious societies to hold real estate, to which they desire you to agree.

The house again proceeded to the consideration of the amendments made by the senate to an act to suppress duelling, which on motion of Mr. Cleveland, were concurred in.

A message from his excellency the governor by Mr. Pickens—Mr. Speaker. I am instructed by the governor to inform you, that he has this day approved and signed an act, to regulate the proceedings of the courts of law and equity in this state, which originated in your house.

The house then proceeded to the consideration of the bill to establish and regulate justices courts, which was read the first time.

Mr. Perkins moved that said bill lie upon the table, which was decided in the affirmative, the ayes and noes being called for on said question, they were as follows :



**AYES**—Messrs. Speaker, Birney, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Coats, Davis, Edmonson, J. Fitzpatrick, Hill, Hardwick, Lamkin, Murrill, Moody, Matterson, McCarley, Perkins, Peters, Thompson, Townes, Taylor, Walker, Weedon and Wellborne, 27. **NOES**—Messrs. Byler, Bigham, Dale, Dennis, Dillahunty, Exum, Everitt, P. Fitzpatrick, Harrison, Jones, King, Lee, McBee, Owen, Saffold, Seargent, Sims, Whitaker, Watts and Winston, 21.

On motion of Mr. Birney, resolved, that notice be given to the senate, that the house of representatives are ready forthwith to proceed to the election of an attorney general, five judges of the circuit court, and solicitors.

The house proceeded to the consideration of the bill to empower religious societies to hold real estate, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time by its title forthwith, ordered that the same be made the order of the day, for a third reading on tomorrow.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined an act, to regulate property contracts, and was instructed to report the same as truly enrolled.

The senate being announced, the house of representatives arose to receive them, and repaired to the seats assigned them, when both houses proceeded to the election of an attorney general, Henry Hitchcock, John N. S. Jones, and D. Sullivan, Esqs. being put in nomination for said appointment, the votes were as follows:

Those that voted for Mr. Hitchcock, were

Messrs. President, Chambers, Conner, Garth, Gause, Harwell, Herbert, Hodges, Hogg, Metcalf, Ringgold, Sims, Seabury, Terrill, Trotter and Ware, —of the house of representatives, messrs. Speaker, Birney, Bigham, Bates, Cleveland, Creagh, Coats, Carson, Dale, Davis, Dillahunty, Edmonson, Exum, Everitt, J. Fitzpatrick, Hardwick, Lamkin, Lee, Murrill, Moody, McBee, Owen, Perkins, Peters, Saffold, Seargent, Thompson, Townes and Watts, 45. Those who voted for Mr. Sullivan, were messrs. Farmer, of the house of representatives, Byler, John Brown, Isaac Brown, Dennis, Hill, King, Matterson, Sims, Taylor, Vaughan, Whitaker, Walker and Winston, 14. Those who voted for Mr. Jones, were messrs. Hanby, Moore and Rose, —of the house of representatives, messrs. Chapman, P. Fitzpatrick, Harrison, Jones, McCarley, Weedon and Wellborne, 10, whereupon, Mr. Speaker declared Henry Hitchcock, Esq. duly elected attorney general to this state.

Both houses then proceeded to the election of a judge to the first circuit of this state, Aboer S. Lipscomb and Henry Toulmin, Esqs. being in nomination, the votes were as follows: those who voted for Mr. Lipscomb, were messrs. President, Chambers, Conner, Farmer, Garth, Gause, Hanby, Harwell, Her-

pert, Hodges, Hogg, Metcalf, Bingold, Rose, Sims, Seabury, Terrill, Trotter, and Ware—of the house of representatives, messrs. Speaker Birney Bigham John Brown Cleveland Creagh Chapman Coats Carson Dale Dennis Davis Dillahanty Edmonson Exum Everitt P. Fitzpatrick J. Fitzpatrick Hill Hardwick Harrison Jones King Lamkin Lee Murrill Moody McBee McCarley Owen Perkins Peters Saffold Seargent Sims Thompson Townes Taylor Vaughan Whitaker Walker Wellborne Watts and Winston, 63. Those who voted for M. Toulmin were Mr. Moore—of the house of representatives, messrs. Byler I. Brown Matterson and Weedon 5. Whereupon, Mr. Speaker declared Abner S. Lipscomb, Esq. duly elected judge to the first circuit in this state. Both houses then proceeded to the election of a judge to the second circuit in this state, Reuben Saffold being in nomination, the votes were as follows: those who voted for Mr. Saffold, were messrs. President Chambers Conner Farmer Garth Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringgold Rose Sims Seabury Terrell Trotter Ware—of the house of representatives, messrs. Speaker Byler Birney Bigham John Brown Isaac Brown Bates Cleveland Creagh Chapman Coats Conner Dale Dennis Davis Dillahanty Edmonson Exum Everitt P. Fitzpatrick J. Fitzpatrick Hill Hardwick Harrison Jones King Lamkin Lee Murrill Moody Matterson McCarley Owen Perkins Peters Seargent Sims Thompson Townes Taylor Vaughan Whitaker Walker Weedon Wellborne Wilson Watts and Winston, 68 whereupon, Mr. Speaker declared R. Saffold, Esq. duly elected judge to the second circuit of this state. Both houses then proceeded to the election of a judge to the third circuit in this state, Henry Y. Webb, Esq. being in nomination the votes were as follows:

Those who voted for Mr. Webb were Messrs. President, Chambers, Conner, Farmer, Garth, Gause, Hanby, Harwell, Herbert, Hodges, Hogg, Metcalf, Moore, Ringgold, Rose, Sims, Seabury, Terrell, Ware,—Representatives. Messrs. Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Coats, Carson, Dale, Dennis, Davis, Dillahanty, Edmonson, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Harrison, Jones, King, Lamkin, Lee, Murrill, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Saffold, Seargent, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon, Wellbor, Wilson Watts and Winston, 70. Whereupon Mr. Speaker declared Henry Y. Webb duly elected Judge to the third circuit of this state.

Both houses proceeded to the election of a Judge to the fourth circuit of this state—Richard Ellis, Beverly Hughes, and John McKinley Esq. being in nomination as candidates for said appointment, the votes were as follows. Those who voted for Mr. Ellis were messrs. Herbert Hodges Metcalf Terrell. Of the house of Representatives—Messrs. Bigham, Isaac Brown, Cleveland, Dillahanty, Exum, Everitt, Hill, Lee, McBee, Matterson, McCarley, Saffold, Seargent, Sims, Walker, Wilson, Watts and Winston, 22. Those who voted for Mr. Hughes were messrs. Garth Gause Hanby Hogg Moore Rose. Of the house of Representatives—Messrs. Speaker, John Brown, Bates, Carson, Dennis, Davis, P. Fitzpatrick, J. Fitzpatrick, Harrison, Jones, King, Lamkin, Vaughan, Whitaker, Weedon, and Wellborne, 22. Those who voted for Mr. McKinley were messrs. President Chambers Conner Farmer Harwell Ringgold Sims Seabury Trotter Ware. Of the house of Representatives—messrs. Byler, Birney, Creagh, Chapman, Coats, Dale, Edmonson, Hardwick, Marrell, Moody, Owen, Peters, Thompson, Townes, and Taylor, 25. Neither having a constitutional majority of votes, both houses again proceeded to said election: those who voted for Mr. Ellis were messrs. Herbert Hodges Hogg Metcalf Terrell. Of the house of Representatives—messrs. Bigham, Isaac Brown, Cleveland, Dillahanty, Exum, Everitt, Hill, Hardwick, Lee, McBee, Matterson, McCarley, Saffold, Sims, Taylor, Walker, Wilson, Watts and Winston, 25. Those who voted for Mr. Hughes were messrs. Garth Gause Hanby Moore Rose. Of the house

of Representatives—messrs. Speaker, John Brown, Carson, Dennis, P. Fitzpatrick, Harrison, Jones, King, Lamkin, Vaughan, Whitaker, Weedon, and Wellborne, 19. Those who voted for Mr. McKinley were messrs. President Chambers Conner Farmer Harwell Ringold Sims Seabury Trotter Ware. Of the house of Representatives—messrs. Byler, Buney, Bates, Creagh, Chapman, Coats, Dale, Davis, Edmonson, Murrell, Moody, Owen, Peters, Thompson, and Townes, 25. Neither candidate not having yet a constitutional majority, both houses proceeded a third time to said election. Those who voted for M. Ellis were messrs. Herbert Hodges Hogg Metcalf Rose Terrell. Of the house of Representatives—messrs. Bigham, J. Brown, Isaac Brown, Cleveland, Dennis, Dillahunty, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lamkin, Lee, McBee, Matterson, McCarley, Saffold, Sargent, Sims, Whitaker, Weedon, Walker, Wilson, Watts, and Winston, 34. Those who voted for Mr. Hughes were messrs. Hanby and Moore, 2. Those who voted for Mr. McKinley were messrs. President Chambers Conner Farmer Garth Gause Harwell Ringold Sims Seabury Trotter and Ware. Of the house of Representatives—messrs. Speaker, Byler, Buney, Bates, Creagh, Chapman, Coats, Carson, Dale, Davis, Edmonson, Murrill, Moody, Owen, Peters, Thompson, Townes, Taylor, Vaughan, and Wellborne, 32.

And neither candidate not as yet having a constitutional majority, both houses again proceeded to said election.

Those who voted for Mr. Ellis were messrs. Hanby Herbert Hodges Hogg Metcalf Moore Rose Terrell. Of the house of Representatives—messrs. Bigham, John Brown, Isaac Brown, Cleveland, Dennis, Dillahunty, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lee, Lamkin, McBee, Matterson, McCarley, Saffold, Sargent, Sims, Taylor, Walker, Weedon, Wilson, Watts, and Winston, 37. Those who voted for Mr. McKinley were messrs. President, Chambers Conner Farmer Garth Gause Harwell Ringold Sims Seabury Trotter Ware. Of the house of Representatives—messrs. Speaker, Byler, Buney, Bates, Creagh, Chapman, Coats, Carson, Dale, Dennis, Edmonson, Murrill, Moody, Owen, Peters, Thompson, Townes, Vaughan & Wellborn, 31.

Richard Ellis Esq. having a constitutional majority, Mr. Speaker declared him duly elected Judge to the fourth judicial circuit in this state. Both houses then proceeded to the election of a Judge to the fifth judicial circuit of this state; Clement C. Clay Esq. being nominated as a proper person to fill that appointment, the votes were as follows: those who voted for Mr. Clay were messrs. President Chambers Conner Farmer Garth Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringold Rose Sims Seabury Terrell Trotter Ware: Of the house of Representatives: messrs. Speaker, Byler, Bigham, J. Brown, I. Brown, Bates, Cleveland, Creagh, Chapman, Coats, Carson, Dale, Dennis, Davis, Dillahunty Edmonson Exum Everitt P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwich, Harrison, Jones, King, Lamkin, Lee, Murrell, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Saffold, Sargent, Sims, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Wellborne, Wilson, Watts, and Winston, 68. whereupon Mr. Speaker declared C. C. Clay Esq. duly elected Judge to the fifth judicial circuit in this state.

Both houses then proceeded to the election of a Solicitor to the first judicial circuit of this state—John Gale esq. being in nomination, the votes were as follow :

Those who voted for Mr. Gale were messrs. President Chambers Conner Farmer Garth Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringold Rose Sims Seabury Terrill Trotter Ware—Of the house of Representatives: messrs. Byler Bigham John Brown, Isaac Brown, Bates Cleveland Creagh Chapman Coats Carson Dale Dennis Davis Dillahunty Edmondson Exum Everett P. Fitzpatrick J. Fitzpatrick Hill Hardwick Harrison Jones King Lamkin Lee Murrill Moody McBee Matterson McCarley Owen Peters Perkins Saffold Sargent Sims Thompson Townes Taylor Vaughan Whitaker Walker Weedon Wilson Watts Wellborne & Winstou 69.

Whereupon, Mr. Speaker declared John Gales, Esq. duly elected solicitor to the first judicial circuit of this state. Both houses then proceeded to the election of a solicitor to the third judicial circuit of this state, Constantine Perkins, Esq. and Sion Perry, Esq. being in nomination, as candidates for said appointment, the votes were as follows :

Those who voted for Mr. Perkins, were

Messrs. President Chambers Farmer Garth Gause Hanby Harwell Moore Seabury Trotter—of the house of representatives, Messrs. Speaker Byler Bigham J. Brown Bates Cleveland Creagh Chapman Carson Dale Dennis Davis Dillahunty Edmondson Exum Everitt Hardwick Jones Lamkin Lee Murrill Moody McBee Owen Perkins Peters Saffold Sims Thompson Townes Whitaker Walker Weedon and Wellborne, 44.

Those who voted for Mr. Perry, were

Messrs. Conner Herbert Hodges Hogg Metcalf Ringgold Sims Terrill Ware—of the house of representatives, messrs Isaac Brown Coats P. Fitzpatrick Hill Harrison King Matterson McCarley Sargent Taylor Vaughan Wilson and Watts, 22. Whereupon Mr. Speaker declared Mr. C Perkins, duly elected solicitor to the third judicial circuit of this state.

Both houses then proceeded to the election of a solicitor to the fourth judicial circuit. Peter Martin, Esq. being nominated, the votes were as follows :

For Mr. P. martin, messrs. President Chambers Conner Farmer Gause Hanby Harwell Herbert Hodges Hogg Metcalf Moore Ringold Rose Sims Seabury Terrill Trotter Ware—of the house of representatives messrs. Speaker Byler Bircy Bigham John Brown I. Brown Bates Cleveland Creagh Chapman Coats Conner Watts Davis Dillahunty Edmondson Exum Everett P. Fitzpatrick J. Fitzpatrick Hill Hardwick Harrison Jones King Lamkin Lee Murrill Moody McBee Matterson McCarley Owen Perkins Peters Saffold Sargent Sims Thompson Townes Taylor Vaughan Whitaker Walker Weedon Wellborne Wilson Watts and Winstou, 69. Whereupon Mr. Speaker declared Peter Martin, Esq. duly elected solicitor to the fourth judicial circuit of this state.

Both houses then proceeded to the election of a solicitor to the fifth judicial circuit of this state. James W. McClung, Poladore Nayler and Jas. Eastlaud, Esqs.

being in nomination, the votes were as follows :

**Those who voted for McClung, were**

Messrs. Chambers Garth Harwell Ringgold Trotter—of the house of representatives, Bates Creagh Coats Carson Davis Edmonson Merrill Perkins Peters Thompson and Townes, 16.

**Those who voted for Mr. Naylor, were**

Messrs. President Conner Farmer Hodges Hogg Metcalf Sims Terrill Ware—of the house of representatives, messrs. Dale Dillahanty Exum Everitt Hill Harwich Sims Taylor Vaughan Wilson Watts and Winston, 21.

**Those who voted for Mr. Eastland, were**

Messrs. Gause Hanby Herbert Moore Rose Seabury—of the house of representatives, messrs. Speaker Byler Birney Bigham John Brown Isaac Brown Cleveland Chapman Dennis P. Fitzpatrick J. Fitzpatrick Harrison Jones King Lamkin Moody McBee Matterson McCarley Owen Saffold Seargent Whitaker Walker Weedon and Wellborne, 32.

Neither candidate having a constitutional majority, both houses proceeded again to said election. **Those who voted for Mr. McClung, were**

M. Garth—of the house of representatives, messrs. Creagh Edmundson Merrill Perkins Peters and Thompson, 8.

**Those who voted for Mr. Naylor, were**

Messrs. President Chambers Conner Farmer Hodges Metcalf Ringgold Sims Terrill Trotter Ware—of the house of representatives, messrs. Bates Dale Dillahanty Exum Everitt Hill Harwich Sims Taylor Vaughan Wilson Watts and Winston 23.

**Those who voted for Mr. Eastland, were**

Messrs. Gause Hauby Herbert Hogg Moore Rose Seabury—of the house of representatives, messrs. Speaker Byler Birney Bigham John Brown I. Brown Cleveland Chapman Coats Davis P. Fitzpatrick J. Fitzpatrick Harrison Jones King Lamkin Lee Moody McBee Matterson McCarley Owen Saffold Seargent Townes Whitaker Walker Weedon and Wellborne, 36. Whereupon Mr. Speaker declared James Eastland, Esq. duly elected solicitor to the fifth judicial circuit in this state, and the senate withdrew, on motion, ordered that this house adjourn until tomorrow 9 o'clock,

**Wednesday, 15.**

The house met pursuant to adjournment.

A message from the senate by Mr. Trotter—Mr. Speaker, and gentlemen of the house of representatives, The senate insist on their amendments to an act, to establish the seat of justice in Lauderdale county.

A message from the senate by Mr. Garth,—Mr. Speaker and gentlemen of the house of representatives,

The senate have passed a resolution, authorizing the secretary of state to cause to be printed two thousand copies of the caption of the acts, and joint resolutions passed during the present session, to which they desire your concurrence.

Mr. Lee from the committee of accounts, reported that said committee had had under consideration the account of John Boardman for sundry printing during the present session, amounting to ninety-one dollars, and on examination are of opinion that some of the charges are too high, and recommend that eighteen dollars be deducted therefrom. Also the account of William Leech for making railings for the lobby of the house, &c. amounting to ten dollars, which account we think reasonable and ought to be granted. Also the account of Jonas J. Bell, for stationary, &c. amounting to thirty seven dollars, which account we think reasonable and ought to be granted. Also the account of Samuel K. McGran, for furnishing two sheet iron stoves and pipes, at twenty-five dollars each, which account we think unreasonable, and recommend that twenty dollars be deducted therefrom. Also sundry accounts of Danl. Rather, for stationary, amounting to one hundred and three dollars, which account we think reasonable and ought to be granted. Also the account of Gloss and Hudnall, for making tables, benches, &c. amounting to one hundred and eighty-five dollars and twenty-five cents, which account we think unreasonable and ought not to be granted, and we recommend forty-five dollars to be deducted therefrom. Also the account of Hosant Willis for rent of fifty chairs, amounting to fifty dollars, which account we think unreasonable and ought not to be granted, and recommend that twenty-five dollars be deducted therefrom. Also the account of John K. Dunn, amounting to one hundred and twenty-two dollars and fifty cents which we think unreasonable, and recommend that twenty-three dollars and fifty cents be deducted therefrom. Also the account of William K. Dunn, for the hire of a stove for the use of the senate, which account we believe unreasonable and ought not to be granted,—all of which accounts are herewith transmitted.

Mr. Lee from said committee reported a bill making appropriations to certain persons therein named, which

was read the first time, and four fifths of the house concurring, said bill was read a second time forthwith.

Mr. Owen moved to strike out the word thirty in the appropriation of William K. Dunn, which was decided in the affirmative.

On motion of Mr. Owen, ordered that twenty-five be inserted in lieu thereof.

Mr. Owen moved to strike out the words one hundred and fifty dollars and twenty five cents, in the appropriation to Gloss and Hudnall, which was decided in the affirmative.

Mr. Weedon moved to insert the words one hundred and twenty-five in lieu thereof, which was decided in the negative.

Mr. Owen moved to insert the words one hundred and twenty in lieu thereof, which was decided in the affirmative.

Mr. Moody moved that said bill be amended by adding an additional section, which was decided in the affirmative, ordered that said bill be engrossed for a third reading this evening.

Mr. Birney from the committee of ways and means, reported a bill affixing the pay of the members of both houses of the general assembly, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and the said bill was read a second time forthwith. And the rule being further dispensed with, said bill was read a third time.

Mr. Townes moved to fill the first blank by inserting the word seven, which was decided in the affirmative. The ayes and noes being called for on said question, were as follows :

**AYES**—Messrs. Speaker, Birney, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapin, Coats, Carson, Dale, Dennis, Davis, Dillahunty, Exum, J. Fitzpatrick, P. Fitzpatrick, Hill, Harrison, Jones, King, Lamkin, Lee, Merrill, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Saffold, Sargent, Thompson, Townes, Taylor, Vaughan, Whitaker, Weedon, Wellborne, Watts and Winston, 43.

Those who voted in the negative, are  
Messrs. Birney, Edmonson, Everitt and Hardwich, 4.

Mr. Townes moved to fill the second blank, by in-

serting the word five, which was decided in the affirmative. The ayes and nays being called for on said question, they were as follows :

AYES—Messrs. Speaker Byler Bigham J. Brown I. Brown Cleveland Creagh Carson Coats Dale Dennis Davis Dillahunty Exum Everitt P. Fitzpatrick J. Fitzpatrick Hill Harrison Jones King Lamkin Lee Merrill Moody McBee Matterson Owen Perkins Peters Saffold Sargeant Thompson Townes Taylor Vaughan Whitaker Wellborne Watts and Winston, 40. NOES, Messrs. Birney Chapman Edmonson Hardwich McCarley Walker and Weedon, 7.

Mr. Perkins moved to fill the third blank by inserting the word five, which was decided in the affirmative.

Mr. Birney moved to fill the fourth blank with the word thirty, which was decided in the negative. The ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Birney Chapman Edmonson Jones Moody Walker and Weedon, 7. NOES—Messrs. Speaker Byler Bigham John Brown Isaac Brown Bates Cleveland Creagh Carson Coats Dale Dennis Davis Dillahunty Exum Everitt P. Fitzpatrick J. Fitzpatrick Hill Hardwich Harrison King Lamkin Lee Merrill McBee Matterson McCarley Owen Perkins Peters Saffold Seargent Thompson Townes Taylor Vaughan Whitaker Wellborne Watts and Winston, 41.

Mr. Weedon moved to fill said blank by inserting the words twenty five, which was decided in the negative. The ayes and noes being called for on said question, they were as follows :

AYES—Messrs. Byler, Birney, Chapman, Edmundson, Hardwick, Jones, Moody, Walker and Weedon, 9. NOES—Messrs. Speaker, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Carson, Coates, Dale, Dennis, Davis, Dillahunty, Exum, Everitt, J. Fitzpatrick, P. Fitzpatrick, Hill, Harrison, King, Lamkin, Lee, Merrill, McBee, Matterson, Owen, Perkins, Peters, Saffold, Seargent, Thompson, Townes, Taylor, Vaughan, Whitaker, Watts and Winston, 37.

Mr. Davis moved to fill said blank by inserting the words twenty miles, which was decided in the affirmative. And the ayes and noes being called for on said question, were as follows :

AYES—Messrs. Speaker, Byler, Bigham, John Brown, Isaac Brown, Bates, Cleveland, Creagh, Chapman, Carson, Coats, Dale, Dennis, Davis, Dillahunty, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Jones, King, Lamkin, Lee, Merrill, McBee, Matterson, Owen, Perkins, Saffold, Seargent, Thompson, Townes, Taylor, Vaughan, Whitaker, Watts and Winston, 36. NOES—Messrs. Birney, Edmonson, Hardwick, Jones, Moody and Weedon, 6.

Mr. Owen moved to amend said bill by way of rider, by adding an additional section, which was decided in the affirmative, and the question being put, shall this bill pass, it was decided in the affirmative, ordered



that the same be sent to the senate for their concurrence.

Mr. Weedon moved that messrs. Saffold and Harrison, have leave of absence for the balance of the session, which was decided in the affirmative.

A message from the senate by Mr. Chambers—Mr. Speaker, and gentlemen of the house of representatives, the senate have passed the resolution requesting the governor to proclaim a day of public thanksgiving and prayer, throughout this state, with an amendment which originated in your hon. body, to which they ask your agreement.

They have also passed the joint resolution, authorizing Daniel Rather to sell certain public property therein named, to which they have made an amendment by striking out the words chairs, to which they desire your concurrence.

They have also passed a bill for the relief of Rebecca Ann Bondurant, and

An act to amend the laws respecting public ferries, and have amended the same by an additional section herewith sent.

The house proceeded to the consideration of the amendments made by the senate to an act to establish the seat of justice in Lauderdale county.

Mr. Byler moved that the further consideration of said amendment be laid upon the table, which was decided in the affirmative.

The house proceeded to the consideration of the resolution sent from the senate, directing the secretary of state, to have printed two thousand copies of the caption of the laws passed this session of the general assembly, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said resolution was read a second time forthwith.

Mr. Weedon moved to strike out the words two thousand, in said resolution, which was decided in the negative. Mr. Weedon moved that said resolution be indefinitely postponed, which was decided in the negative, and the rule being further dispensed with, said

resolution was read a third time and passed. Ordered that the same be returned to the senate informing them thereof.

The house then took up the amendment made by the senate, to an act regulating public ferries, which several amendments were concurred in.

The house then took up the amendment of the senate to a joint resolution authorizing the sale of public furniture, which amendments were concurred in.

Mr. Davis moved that this house inform the senate that they will be ready at three o'clock this evening, to go into the election of Judges of the county courts, for the several counties in this state, which was carried in the affirmative.

The house proceeded to the consideration of the order of the day, on the bill to incorporate the Alabama steam boat company. On motion of Mr. Owen, ordered that said bill lie upon the table.

Also the bill designating the duties and fees of certain public officers, which was read the third time and passed. Ordered that the same be returned to the senate informing them thereof.

Also the bill to amend the laws relating to public roads, which was read the third time and passed. Ordered that the same be returned to the senate informing them thereof.

Also the bill to empower religious societies to hold real estate, which was read the third time and passed. Ordered, that the same be returned to the senate informing them thereof.

Mr. Vaughan moved that the resolution prohibiting new matter being introduced into this house during the present session, be suspended, which was decided in the affirmative.

Mr. Vaughan asked for, and obtained leave to introduce a bill to authorise the election of a sheriff, and clerks in the county of Jackson, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a sec-

ond time forthwith. Ordered, that the same be engrossed for a third reading for three o'clock this afternoon.

On motion of Mr. Byler, ordered that this house adjourn until half past 2 o'clock this afternoon.

*Half past two o'clock.*

The house met pursuant to adjournment.

A message from the senate by Mr. Watkins—Mr. Speaker and gentlemen of the house of representatives: The senate have passed a bill to incorporate the town of Mobile—and to authorise elections in the county of Jackson.

And a resolution authorizing the secretary of state to contract for the public printing, and for other purposes. And an act concerning forthcoming and replevy bonds, to which they desire your concurrence.

Mr. Byler from the select committee appointed to draught a memorial to the Congress of the U. States, praying indulgence on the lands heretofore bought from government, reported the following memorial, with the resolution, to wit:

*To the Senate and House of Representatives, of the Congress of the United States:*

The Legislature of the State of Alabama, respectfully, represent—that after the close of the glorious and successful war on the part of this nation, against Great Britain, the establishment of a general peace in Europe, and the consequent revival of commerce throughout the world, cotton the staple article of this state, rose to a very high price, and obtained ready sale in European markets—at the same period, the country was inundated with the notes of various state banks, and a very large amount of Mississippi stock, which by law had been made receivable in payment of public lands in the state of Mississippi, and the then Territory of Alabama, was also in circulation and obtainable upon easy and accommodating terms to purchasers: amidst circumstances so propitious for the United States and unfortunate for the citizens of this infant state, was a portion of the public land within our limits offered for sale

by the government to the highest bidder. Attracted by the fertility of our soil and stimulated by the desire of participating in the great profits which the growing of cotton promised to the planter, people from almost every state in the union thronged to the public sales loaded with bank notes and Mississippi stock—the consequences were such as the circumstances was naturally calculated to produce. The lands sold for high and extravagant prices, and an immense debt is now owing by the citizens to the government of the United States. The untried result of a general peace, have baffled the calculations of the most prudent and sagacious merchants in the world. A general derangement of the money system has taken place, commerce has languished, our staple commodity has fallen to less than half the price it maintained at the time of those sales. Many of the state banks then in high credit have since entirely failed, and others to protect themselves against similar fate, have been compelled to curtail their discounts and call in their notes from circulation, even the bank of the United States which promised in its commencement a sound, a safe circulation and an equality of exchange, has also been constrained to diminish the circulation of its notes until they are as scarce as gold and silver, which we rarely see, the metallic currency of the country is locked up in the vaults of the banks, and the community is left without a currency sufficient for the ordinary purposes of trade. In addition to all these circumstances, it is expected that your honorable body will at the present session of congress, change the mode of selling publick land by reducing the *minimum* price, and requiring the whole purchase money to be paid in advance. Although such a law may be wise and politic, it must have the effect of producing great inequality between those who have heretofore purchased under so many disadvantages, and those who may hereafter purchase under circumstances so favorable. Therefore, we respectfully represent, to enact such a law, would be impolitic. Believing as your memorial-

ists do, that it cannot be the policy of the United States to exact from her citizens, such forfeiture or to enforce the full extent of contracts made under circumstances altogether favorable to the government, and unfavorable to the citizens—and believing also, that the interest of the government would not be subserved by such a policy. We therefore respectfully pray, that a law may be passed by your honorable body, extending such relief to the purchasers of public lands in this state as you in your wisdom, may think most advisable.

*Resolved*, by the senate and house of representatives of the state of Alabama. in General Assembly convened, that the Governor of this state be, and he is hereby requested to forward one of the copies of the foregoing memorial to each of our senators and one copy to our representative in the Congress of the United States, with a request that they will exert themselves to procure such relief to the purchasers of public lands in this state, as the wisdom of the Congress of the United States may think proper to grant—which resolution, was read the first time, and four fifths of the house concurring, the rule was dispensed with, said resolution was read the second and third time forthwith and passed. Ordered, that the same be sent to the senate, for their concurrence.

The house proceeded to the consideration of the joint resolution sent from the senate, authorising the secretary of state to contract for the public printing, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and the said resolution was read a second and third time forthwith and passed. Ordered, that the same be returned to the senate informing them thereof.

The house took up the bill concerning forthcoming and replevy bonds, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second time forthwith. Mr. Everett moved that said bill be postponed until the first monday in November next, which was

decided in the negative—the ayes and nays being called for on said question, they were as follows :

**AYES**—messrs. Speaker, Isaac Brown, Bates, Cleveland, Creigh, Carson, Coats, Everett, J. Fitzpatrick, Hill King, Lee, Murrell, McBee, Matterson, Owen, Peters, Seargent, Thomason, Wilson and Winston, 20. **NOES**—messrs. Rylee, Binney, Brigham, Chapman, Dale, Dennis, Davis, Dillakuty, Edmonson, Exum, P. Fitzpatrick, Hudwich, Jones, Lanikin, Moody, McCarley, Perkins, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon and Wellborne, twenty four

which bill, on motion of Mr. Chapman, was made the order of the day for a third reading on tomorrow.

A message from the senate by Mr. Rogers—

**Mr. Speaker :** 'The senate are now ready to meet your honorable body for the purpose of proceeding to the election of Judges of the county courts throughout the state.

The senate being announced, the house of representatives arose, and they repaired to the seats assigned them, when both houses proceeded to the election of justices of the county court for the county of Conecuh : Samuel Burnett, Alexander Travis, Bartley Walker, Garret Longmire, and John W. Deveraux, in nomination ; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices for the county court of Mobile—Henry V. Chamberlain, Cyrus Sibley, William Coolidge, Henry Gunnison and Edward Hall, in nomination ; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices for the county court of Clarke county ; Lemuel J. Alston, Samuel B. Shields, Thomas Mattock, Robert Love and Ira Port ; in nomination ; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court of Baldwin county ; Henry B. Slade, Lewis Sewell, Thomas J. Strong, Howell Dupree and Joseph Miras, in nomination ; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court for Monroe county ; Wm. Wingate, Lawrens Wood, James L. Goree, Thomas Wiggins and Elisha Robbins, in nomination ; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices for the county court of Washington county. William Godfrey, George Buchannon, Dennison, Darling, George Goodwin, James Tigart and Thomas McGee, in nomination. Those who voted for Mr. Godfrey, are

Messrs. President, Chambers, Conner, Farmer, Hanby, Hodges, Hogg, Metcalf, Moore, Ringgold, Rose, Seabury, Terrill, Trotter, Watkins, Ware, Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dale, Dennis Davis, Dillahunty, Edmonson, Exum, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, King, Lamkin, Lee, Merrill, Moody, McBee, Matterson, McCarley, Owen, Perkins, Seargent, Thompson, Townes, Taylor, Vaughan, Walker, Whitaker, Weedon, Wellborne and Winston, 66.

**Those who voted for Mr. Buchannon, are**

Messrs. President, Chambers, Farmer, Garth, Gause, Hanby, Hodges, Hogg, Metcalf, Moore, Ringgold, Seabury, Terrill, Trotter, Watkins, Ware, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Coats, Edmonson, Exum, Hill, Jones, Lee, Merrill, Matterson, Perkins, Peters, Seargent, Thompson, Townes, Whitaker, Weedon and Wellborne, 39.

**Those who voted for Mr. Darling, are**

Messrs. President, Chambers, Conner, Farmer, Garth, Gause, Hanby, Hodges, Hogg, Metcalf, Moore, Ringgold, Rose, Seabury, Terrill, Trotter, Watkins, Ware, Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Davis, Edmondson, Exum, Everitt, J. Fitzpatrick, Hill, Hardwick, Jones, King, Lamkin, Lee, Merrill, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Seargent, Thompson, Townes, Taylor, Vaughan, Walker, Whitaker, Wellborne, Wilson and Winston, 61.

**Those who voted for Mr. Goodwin, are**

Messrs. Conner, Garth, Gause, Rose, Speaker, Chapman, Dennis, Davis, Everitt, P. Fitzpatrick, Hardwick, King, Lamkin, Moody, McCarley, Owen, Vaughan, Walker, Wilson and Winston, 20.

**Those who voted for Mr. Tigart, are**

Messrs. President, Chambers, Conner, Farmer, Garth, Gause, Hanby, Hodges, Hogg, Metcalf, Moore, Ringgold, Rose, Seabury, Terrill, Trotter, Watkins, Ware, Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dale, Dennis, Davis, Dillahunty, Edmondson, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, King, Lamkin, Lee, Merrill, Moody, McBee, Matterson, McCarley, Owen, Perkins, Peters, Seargent, Thompson, Townes, Taylor, Vaughan, Whitaker, Walker, Weedon, Wellborne and Winston, 62.

**Those who voted for Mr. McGee, are**

Messrs. President, Chambers, Conner, Farmer, Garth, Gause, Hanby, Hodges, Hogg, Metcalf, Moore, Ringgold, Rose, Seabury, Terrill, Trotter, Watkins, Ware, Speaker, Byler, Birney, Bigham, John Brown, Isaac Brown, Cleveland, Creagh, Chapman, Coats, Dennis, Davis, Edmondson, Exum,

Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Jones, King, Lankin, Lee, Merrill, Moody, Matterson, McCarley, Owen, Perkins, Peters, Seargent, Thompson, Townes, Vaughan, Whitaker, Walker, Weedon, Wellborne, Wilson and Winston, 57.

Messrs. Godfrey, Buchannon, Darling, Tigart and McGee, having a majority, were announced duly elected.

Both houses then proceeded to elect justices of the county court of Dallas county. Wm. Aylett, Gilbert Shearer, Randal, Duckworth, John Read and Jonas Brown, in nomination, all the members present having voted for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court of Butler, Taliaferro Livingston, John Cook, Marsell Wornack, James Dunkling and Daniel Safford, being in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court of Henry county, William C. Watson, John Fanning, Matthew Watson, S. Smith and Johnson Wright, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices for the county court of Wilcox, William McConnell, William Black, Joseph Lowery, John Speight and Harry Williams, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court for the county of Antauga, James Jackson, William R. Pickett, John A. Elwin, John Armstrong, Robert Gaston, and Bolling Hall, in nomination, all the members present voting for messrs. Jackson, Pickett, Elwin and Armstrong, they were announced duly elected.

Both houses then proceeded to elect a fifth justice for said county, Gaston and Hall, in nomination. Those who voted for Mr. Gaston, are

Messrs. Farmer, Hanby, Harwell, Hodges, Hogg, Metcalf, Moore, Rose, Watkins, Speaker, Byler, Bigham, Brown, Brown, Cleveland, Chapman, Coats, Dennis, Dillabunty, Exum, Everitt, P. Fitzpatrick, J. Fitzpatrick, Hardwick, Jones, Lee, Merrill, Moody, McBee, Matterson, McCarley, Peters, Seargent, Townes, Taylor, Whitaker, Walker, Weedon, Wellborne and Winston, 49



**Those who voted for Mr. Hall, are**

Messrs. President, Chambers, Garth, Gause, Ringgold, Seabury, Terrill, Trotter, Ware, Birney, Creagh, Carson, Dale, Davis, Edmundson, King, Lamkin, Owen, Thompson and Vaughan, 20.

**Mr. Gaston having a majority was announced duly elected.**

Both houses then proceed to elect justices of the county court of the county of Montgomery, messrs. Henry D. Stone, John Goldwaite, Seymore Powell, and Eleazer Jeter, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect a fifth justice for said county, W. B. Lucas, and ----- Townsend being in nomination. Those who voted for Mr. Lucas, are

Messrs. President, Conner, Farmer, Garth, Harwell, Hodges, Seabury, Trotter, Watkins, Birney, John Brown, Creagh, Carson, Davis, Edmundson, Perkins and Vaughan, 17

**Those who voted for mr. Townsend, are**

Messrs. President, Gause, Hanby, Metcalf, Moore, Ringgold, Rose, Hogg, Terrell, Ware, Speaker, Bingham, Isaac Brown, Cleveland, Chapman, Coats, Dale, Dennis, Dillahunty, Exum, Everitt, Fitzpatrick, Fitzpatrick, Hardwick, Jones, King, Lamkin, Lee, Merrill, Moody, McBee, Matterson, McCarley Owen Peters Seargent Thompson Townes Taylor Whitaker Walker Weedon Wellborne Wilson and Winston, 45.

**Mr. Townsend having a majority, was announced duly elected.**

Both houses then proceeded to elect justices of the county court of the county of Marengo, John Lockhart, Henry Peirson, Hason Compton, Ephraim Kats, and William Barton, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court of the county of Tuscaloosa, Isaac Patrick, Samuel Norsworthy, John Kirksey, Garland Hardwick, William Parris, in nomination, all the members present voting, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court of the county of Cabawba, Roddy Smith, Agrippa Atkinson, Gabriel Benson, John Tate and John Smith, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices for the county court of Perry county, John Durden, Travis Traylor, Nathan Reed, Temple Lee and John Johnson, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court of Greene, Shelby Corzine, William Orear, Patrick May, William Bell, and John F. White, in nomination, all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court of Jefferson county, Moses Kelley, David Murfree, David Owen and Robert Lacy, being in nomination, all the members present voting for them, they were declared duly elected.

Both houses then proceeded to elect a fifth justice for said county, Dorby Henley and John Wood, being in nomination. Those who voted for Mr. Henley, are

*Messrs Chambers Farmer Hauby Hodges Moore Seabury Terrell Trotter Ware Speaker John Brown Creagh Carson Davis Edmonson McCarley Vaughan Walker Weedon & Wellborne, 20*

Those who voted for Mr. Wood, are

*Messrs Garth Harwell Hegg Metcalf Ringold Birney Bigham Isaac Brown, Cleveland Chapman Coats Dale Dillahunty Exum Everett P. Fitzpatrick Hill Hardwick Jones King Lamkin Lee Murril Moody McBee Matterson Owen Peckins Peters Sargent Sims Thompson Townes Taylor Wilson and Winston, 38.*

Mr. Wood having a majority, was announced duly elected.

Both houses then proceeded to elect justices for the county court of Marion county, John Smith, Samuel W. Gorven, Robert Moore, Thomas Sampson and William Sampson, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices for the county court of Franklia, Willian Lucas, David C. Roane, Henry Cox, Theophilus W. Cockburn and John Cook, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the

county court of Lawrence, John Moseley, Hugh A. Anderson, John Dickey, Robert M. White and William Sharp, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court of Limestone county; Nicholas Davis, James W. Walker, Benjamin Fox, Jesse Coe and John D. Carriel, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court for Lauderdale county; Hugh McVay. — Craig, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of three more justices for the said county; *John Coffee, Zedekiah Tate, Joseph Farmer*, — *Ingram*, and — *Files* being in nomination:

Those who voted for Mr. Coffee are messrs. President Chambers Garth Gause Hanby Harwell Hodges Hogg Metcalf Ringgold Seabury Terrell Trotter Watkins Ware, Byler, Birney Bigham, J. Brown, I Brown, Cleveland, Creagh, Chapman, Coats, Dennis, Dale, Dennis, Dillahanty Edmonson Exum Everitt P. Fitzpatrick, J. Fitzpatrick, Hill, Hardwick, Jones, Lanekin Lee, Murrell Moody McBee Matterson McCarley Owen Perkins Peters Seargent Sims Thompson Towns Taylor, Vaughan Whitaker Walker Weedon Wellborne Wilson and Winston, 58. Those who voted for Mr. Tate are messrs. President Chambers Gart Gause Hanby Harwell Hodges Hogg Metcalf Ringgold Seabury Terrell Watkins Ware: (Rep.) messrs. Speaker, Birney Creagh Chapman Dale Dennis Davis Edmonson Lanekin Moody Perkins Peters Thompson Taylor Vaughan Whitaker Weedon Wellborne and Wilson, 32. Those who voted for Mr. Farmer are messrs. President Chambers Garth Gause Hanby Harwell Hodges Hogg Ringgold Seabury Terrill Trotter Watkins Ware—Rep) messrs. Birney Chapman Dale Dennis Davis Edmonson Hardwick Lanekin Moody Perkins Thompson Taylor Vaughan Walker and Wellborne, 29. Those who voted for ——— Ingram are messrs. metcalf Speaker Byler Bigham J. Brown I Brown Cleveland Creagh Coats Dillahanty Exum Everitt P. Fitzpatrick J Fitzpatrick Hill Hardwick Jones Lee Murrill McBee Matterson McCarley Owen Peters Seargent Sims Townes Whitaker Walker Weedon & Winston, 30.

Those who voted for *Mr. Files*, are messrs. Speaker Byler, Bigham, John Brown, Isaac Brown, Cleveland Coats, Dillahanty Exum Everitt P. Fitzpatrick, J. Fitzpatrick Hill Jones Lee Murrill McBee, Matterson McCarley Owen Seargent Sims Townes and Winston, 24. *Messrs. John Coffee, — Tate, and — Ingram*, having a majority, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court, of the county of St. Clair; George Shotwell, John Nash, James Thomason, Philip Coleman and Abraham Wharton, being in nomination; all the members present voting for them, they were all announced duly elected.

Both houses then proceeded to the election of justices of the county court of Shelby county; Thomas McHenry, Thomas W. Smith, Samuel Gibbins, Needham Lee, Richard Crowson, being in nomination; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to the election of justices of the county court of the county of Blount, Stephen Box, Henry McPherson, William Rino, being in nomination, and all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect two other justices for said county, Marston Mead, — Nash, — Fowler, Littleberry Vaughan being in nomination.

Those who voted for Mr. Mead are messrs. President Chambers Farmer Hanby Harwell Moore Seabury Trotter Watkins Ware—(Rep.) Birney, J. Brown Chapman Davis Edmondson Hardwich Lamkin Lee Owen Perkins Peters Sims Thompson and Walker, 24. Those who voted for Mr. Nash are Messrs. Garth Hodges Hogg Metcalf Ringgold Terrell—(Rep.) messrs. Bigham Isaac Brown, Cleveland Coats Dale Dennis Davis Dillahanty Everett P. Fitzpatrick Hill Murrell Matterson McCarley Seargent Townes Taylor and Winston, 26. Those who voted for Mr. Fowler are messrs. Gause Metcalf Ringgold Terrell—(Rep.) Bigham I. Brown Coats Dale Dillahanty Exum Everett J. Fitzpatrick Jones Moody McBee Matterson Perkins Seargent Townes Weedon Wellborne Wilson and Winston, 23.

Those who voted for Mr. Vaughan are Messrs. President Chambers Farmer Garth Gause Hanby Harwell Hodges Hogg Moore Seabury Trotter Watkins Ware—(Rep.) messrs. Speaker Birney J. Brown Cleveland Creagh Chapman Dennis Edmondson Exum P. Fitzpatrick J. Fitzpatrick Hill Hardwich Jones Lamkin Lee Murrill Moody McBee McCarley Owen Peters Sims Thompson Taylor Walker Weedon Wellborne and Wilson, 43.

Mr. Vaughan having a majority, was announced duly elected.

Both houses then proceeded to elect the fifth justice of the county court of said county; Marston Mead — Nash and — Fowler, being in nomination.

Those who voted for Mr. Mead are Messrs. President Chambers Hanby Moore Seabury Watkins Ware—(Rep.) Birney J. Brown Chapman Davis Edmondson Hardwich Lamkin Lee Moody Owen Perkins Sims Thompson Vaughan Whitaker Walker Wellborne and Winston, 25. Those who voted for Mr.

Nash are Messrs. Garth Harwell Hogg Ringgold Terrell Trotter—(Rep.) messrs. Speaker I. Brown Cleveland Creagh Coats Dale Dennis Dillahunty Everett P. Fitzpatrick Hill King Murrell McBee McCarley Seargent Townes Taylor Weedon and Winston, 26. Those who voted for Mr. Fowler are Messrs. Gause Metcalf Terrell—(Rep.) Bigham J. Fitzpatrick Jones 6

And neither candidate having a constitutional majority, both houses again proceeded to said election—Those who voted for Mr. Mead are messrs.

President Chambers Hanby Harwell Moore Seabury Trotter Watkins Ware (Rep.) Birney John Brown Chapman Davis Edmonson Hardwich Lamkin Lee Moody McCarley Owen Perkins Thompson Vaughan Whitaker Walker Westcome and Wilson, 27.

Those who voted for Mr. Nash are messrs.

Guth Gause Hodges Hogg Metcalf Ringgold Rose Terrill—(Rep.) messrs. Speaker Byler Bigham Isaac Brown, Cleveland Creagh Coats Dale Dennis Dillahunty Exum Everett P. Fitzpatrick J. Fitzpatrick Hill Jones King Murrell McBee Seargent Sims Towns Taylor Weedon and Winston, 32.

Whereupon Mr. Nash was announced duly elected.

Both houses then proceeded to elect justices of the county court for the county of Cotaco; Horatio Philpot, Greene B. Dorsey, William S. Goodhue, Robert Tapscott and Joseph Sikes, being in nomination; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court for the county of Jackson, George W. Thompson, Ephraim Bridges, John Kirby, Hezekiah Bailies and Richard Easley, being in nomination; all the members present voting for them, they were announced duly elected.

Both houses then proceeded to elect justices of the county court of the county of Madison; Leroy Pope, Charles Bates, J. W. Withers, David Moore, John M. Leake, — Roundtree, — Shackelford, Robert Davie, John A. Allen, Isaac Jackson, William Master, Thomas Miller and Thomas Roberts, being in nomination. Those who voted for Mr. Pope are messrs.

President Chambers Garth Gause Harwell Hodges Metcalf Ringgold Seabury Terrell Trotter Watkins Ware—represent. Speaker Byler Birney Bigham I. Brown Bates Creagh Chapman Coats Dale Davis Dillahunty Edmonson Exum Everett

Hill Hardwich King Lamkin Lee Moody McBee Matterson  
Owen Perkins Seargent Sims Thompson Townes Taylor  
Vaughan and Winston, 44.

**Those who voted for Mr. Bates are messrs.**

President Garth Gause Harwell Seabury Terrell Trotter Ware  
—represent's) Speaker Byler Birney Bigham I. Brown Bates  
Creagh Chapman Coats Dale Davis Dillahunty Edmonson Exum  
Hill Hardwich Lamkin Lee Murrell Moody Matterson Owen  
Perkins Seargent Sims Thompson Townes and Winston, 36.

**Those who voted for Mr. Withers are messrs.**

President Garth Gause Harwell Seabury Trotter Watkins—  
represent's) Speaker Byler Birney Bigham I. Brown Bates  
Creagh Chapman Coats Dale Davis Dillahunty Edmonson Exum  
Lamkin Murrell Moody McBee Matterson Owen Perkins Sear-  
gent Thompson Townes and Winston, 32.

**Those who voted for Mr. Moore are messrs.**

President Chambers Garth Gause Harwell Hodges Metcalf Rin-  
gold Seabury Terrell Trotter Watkins Ware—representatives.)  
Speaker Byler Birney Bigham I. Brown Bates Creagh Chapman  
Coats Dale Davis Dillahunty Edmonson Exum J. Fitzpatrick  
Hill Hardwich Jones King Lamkin Lee Murrell Moody M'Be  
Matterson Owen Perkins Seargent Sims Thompson Townes  
Taylor Vaughan Whitaker and Winston, 48.

**Those who voted for Mr. Leake are messrs.**

Garth Hodges Ringgold Seabury Terrell Ware—(rep.) Byler  
I. Brown Bates Creagh Coats Davis Dillahunty Edmonson Ex-  
um Hill Hardwich Lamkin Lee Murrell Moody McBee Mat-  
terson Perkins Seargent Sims Thompson Townes Whitaker  
and Winston, 30.

**Those who voted for Mr. Davie are messrs.**

President Chambers Hanby Harwell Hodges Metcalf Ringgold  
Rose Seabury Terrell Trotter Ware—(represent's) Speaker  
Birney Bigham J. Brown Cleveland Creagh Chapman Dale  
Dennis P. Fitzpatrick J. Fitzpatrick Jones King Lee McBee  
Sims Taylor Vaughan Whitaker Walker Weedon and Well-  
borne thirty four

**Those who voted for Mr. Shackelford are messrs.**

Moore Walker and Wellborne, three.

**Those who voted for Mr. Roundtree are messrs.**

Everett Hardwich Murrell and Taylor, four.

**Those who voted for Mr. Jackson, are**

Messrs. Chambers, Hanby, Metcalf, Moore, Watkins, John Brown, Bates,  
Creagh Dennis Everitt P. Fitzpatrick Hill Jones King Owen Vaughan Whi-  
taker Walker and Weedon, 20.

**Those who voted for Mr. Easter, are**

Messrs Moore Rose John Brown Dennis Everitt P. Fitzpatrick J. Fitz-  
patrick Jones Walker Weedon and Wellborne, 11.

Those who voted for Mr. Miller, are

Messrs. Hanby Rose John Brown Cleveland Dennis Everitt Fitzpatrick Fitzpatrick Jones Whitaker Weedon and Wellborne, 12.

Those who voted for Mr. Roberts, are

Messrs. Chambers Hodges Metcalf Moore Ringgold Rose John Brown Cleveland Dennis Fitzpatrick Fitzpatrick King Vaughan Whitaker Walker Weedon and Wellborne, 17 Whereupon, LeRoy Pope Charles Batts John Withers David Moore and Robert Davies, were announced duly elected.

The senate then withdrew.

On motion of Mr. Dennis, ordered that this house adjourn until tomorrow, 9 o'clock.

Thursday, 16th Dec. 1819.

The house met pursuant to adjournment.

Mr. Vaughan moved that Jesse Wilson, have leave of absence for the balance of the session.

Mr. Lamkin from the military committee, reported a bill supplementary to an act, passed by both houses of the general assembly to provide for the organization and discipline of the militia of the state of Alabama, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second and third time forthwith, and passed, and the title changed to that of "an act, supplementary to an act," passed by both houses of the general assembly, providing for the organization and discipline of the militia of the state of Alabama, ordered that the same be sent to the senate for their concurrence. The house took up the bill authorising elections in Jackson county, which was read a third time and passed, the title was then changed to that of an act, authorising elections in the county of Jackson, ordered that the same be sent to the senate for their concurrence.

Also the bill making appropriations to certain persons therein named, which was read the third time and passed, and the title changed to that of an act, making appropriations to certain persons therein named, ordered that the same be sent to the senate for their concurrence. Also a bill concerning the forthcoming and replevy bonds, which was read the third time, and the question being put, shall this bill pass, it was decided

in the negative, the ayes and noes being called for on said question, they were as follows, viz.

AYES—Messrs. Byler Chapman Gerrard Lamkin Townes Vaughan Weedon Wellborne 8 NOES—Messrs. Speaker Birney Bigham Isaac Brown Bates Cleveland Creagh Coats Davis Dillahunty Edmundson Exum Everitt P. Fitzpatrick Hill Hardwich Jones King Lee Merrill Moody McBee Matterson Owen Peters Sergeant Sims Thompson Taylor Walker Watts and Winston, 82.

Also a bill to incorporate the city of Mobile, and the question being put, shall this bill be read the first time, it was decided in the negative.

Mr. Weedon moved to reconsider said vote, which was decided in the affirmative, and on motion of Mr. Vaughan, said bill was read the first time, and four fifths of the house concurring, the vote was dispensed with, and said bill was read a second time forthwith.

Mr. Creagh moved that the word four be stricken out, in the seventh section of said bill, which was decided in the negative.

Mr. Weedon moved that said bill be postponed, until the first monday in November next, which was decided in the negative, four fifths of the house concurring, the rule was further dispensed with, and said bill was read a third time and passed, ordered that the same be returned to the senate, informing them thereof.

Mr. Vaughan from the committee of enrolled bills, reported that said committee, had examined the following acts, viz.

An act to alter and amend the laws regulating the admission and practice of counsellors and attornies at law.

An act to authorise the administratrix and administrators of James Hargrove, deceased, to sell a certain quarter section of land.

An act appointing additional commissioners for the town of Huntsville.

An act to raise a revenue for the support of government, for the year 1820.

An act to establish a public road therein named.

An act to regulate elections and to establish certain precincts in the counties therein named, and for other purposes.



An act for the relief of Lucretia Stammers.

A resolution authorising Daniel Rather to sell certain property therein named.

And an act, for the relief of Rebecca Ann Bondurant, also

An act for the encouragement of killing and destroying wolves and panthers, and was directed to report the same as truly enrolled.

On motion of Mr. Vaughan, ordered that this house adjourn until 3 o'clock this evening.

Three o'clock—The house met pursuant to adjournment.

Mr. Townes from the judiciary committee, reported a bill supplementary to an act, passed during the present session of the general assembly, regulating the courts of law and equity in this state, which was read the first time, and four fifths of the house concurring, the rule was dispensed with, and said bill was read a second and third time and passed, and the title changed to that of an act, supplementary to an act, passed during the present session of the general assembly, to regulate the courts of law and equity in this state, ordered that the same be sent to the senate for their concurrence.

Mr. Dillabauty moved the following resolution, resolved that both houses of the general assembly, will adjourn *sine die*, at 10 o'clock on Friday the 17th inst. which was carried in the affirmative, ordered that the senate be informed thereof.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined the following acts, viz.

An act to regulate patrols and for other purposes.

An act to amend the several laws regulating public ferries, and

An act to suppress duelling, and was instructed to report the same as truly engrossed.

A message from the senate—Mr. Speaker, the senate have passed the following acts, viz.

An act to amend the several acts relating to assessors and collectors of the public revenue.

An act to authorise justices of the peace to receive the acknowledgements and probate of deeds, and relinquishments of dowers, both originating in your hon. body.

They have passed an act to regulate the rate of interest, to which they have made amendments.

An act relating to licences granted to tavern keepers, hawkers and pedlars, to which they have made an amendment.

An act to amend the several acts concerning the trial of slaves, which they have amended by striking out the third section thereof.

An act to fix the compensation of the members of the general assembly, and for other purposes therein named, to which they have made amendments herewith sent.

An act, supplementary to an act passed during the present session, entitled an act, to provide for the organization and discipline of the militia with amendments. To all of which amendments they desire you to agree.

The house took up the amendments made by the senate to an act, supplementary to an act to provide for the organization and discipline of the militia of the state of Alabama, which on motion was concurred in. Also the amendments made by the senate to an act, to fix the compensation of the members of the general assembly, and for other purposes therein named, which was in part concurred in.

On the bill to regulate the rate of interest as amended by the senate, being read, was, on motion of Mr. Weedon disagreed to, and ordered to be returned to the senate, informing them thereof.

An act regulating the licences granted to tavern keepers, hawkers and pedlars, as amended by the senate, being read, was

On motion of Mr. Vaughan, disagreed to, and ordered that the senate be informed thereof.

An act to amend the several acts concerning the trial of slaves, which being read as amended by the senate, was read, and

On motion of Mr. Townes disagreed to, ordered that the senate be informed thereof.

On motion of Owen, ordered that messrs. J. Fitzpatrick, P. Fitzpatrick, and L. Cleveland, have leave of absence for the balance of this session after tomorrow.

On motion of Mr. Dillahunty, ordered that leave of absence be granted to Mr. Dennis, for the balance of this session after tomorrow.

On motion of Mr. Chapman, ordered that this house adjourn until tomorrow, 9 o'clock.

Friday, 17th Dec. 1819.

The house met pursuant to adjournment.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined the following acts, viz.

An act to establish the permanent seat of justice in the county of Cahawba.

An act to incorporate the town of Moulton, in Lawrence county.

An act to provide for leasing, for a limited time, the lands reserved by the congress of the United States, for the support of schools within each township in this state, for a seminary of learning and for other purposes.

An act to extend the corporation of the town of Huntsville in Madison county.

An act to alter and amend the laws respecting strays.

An act to provide for the appointment of county officers and for other purposes.

An act to lease certain salt springs.

An act to authorise John Smith, sen. to make a title to certain land therein named.

An act for the inspection of lumber and other articles therein named.

An act specifying the causes and manner of removing clerks.

An act to alter and amend the laws regulating public roads, and

A resolution authorizing the secretary of state to contract for the public printing, and for other purposes, and was instructed to report the same as truly enrolled.

Mr. Walker from the committee to whom was referred the third article and 14th section of the constitution, which directs that a law shall be passed regulating the mode by which elections should be contested, moved that said committee be discharged from the further consideration of the same, which was decided in the affirmative.

A message from the senate by Mr. Ferrill—Mr. Speaker, the senate have appointed a committee to wait on his excellency the governor and inform him, that the general assembly have gone through their business and will on to-day adjourn *sine die*, unless his excellency has further communications to make. They have appointed messrs. Ferril, Chambers and Ringold for the purpose, which message on motion, was concurred in, and messrs. Lanekin, Moody and Dale, were appointed a committee on the part of this house.

A message from the senate by Mr. Moore—Mr. Speaker, the senate have receded from their amendment made to an act, to fix the compensation of the members of the general assembly.

On motion of Mr. Townes, resolved, that the thanks of this house be presented to James Dillet, speaker thereof, for the ability, impartiality, and indefatigable industry, with which he has discharged the arduous duties of the chair.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined the following acts, viz.

An act prescribing the duties and fees of certain public officers.

An act to empower religious societies to hold real estate.

An act to prevent frauds and fraudulent combinations in the sale of public lands in this state, and

An act to incorporate the city of Mobile, and was instructed to report the same as truly enrolled.

A message from the governor by Mr. Pickens—Mr. Speaker, I am instructed by the governor to inform you, that he did on the 16th instant, approve and sign the following acts, which originated in the house of representatives, viz.

An act for the encouragement of killing and destroying wolves and panthers.

An act to alter and amend the laws regulating the admission and practice of councillors and attorneys at law.

An act for the relief of Lucretia Stammers.

An act to regulate elections, establishing certain precincts in the counties therein named, and for other purposes.

An act appointing additional commissioners for the town of Huntsville.

An act to raise a revenue for the support of government for the year 1820.

An act to authorise the administratrix and administrators of James Hargrove, deceased, to sell a certain quarter section of land.

An act to establish a public road therein named.

An act for the relief of Rebecca Ann Bondurant, and

A resolution authorising Daniel Rather to sell certain public property therein named.

A message from the senate by Mr. Garth—Mr. Speaker, the senate have passed

An act, to authorise the laying off and cutting out, certain roads therein named, and

An act to authorise the holding an election therein named.

They adhere to their amendment, to an act to amend

the several acts concerning the trial of slaves, by striking out the third section thereof.

Mr. Townes moved that this house recede from their disagreement, to the amendment made by the senate to an act, to amend the several acts concerning the trial of slaves, which was decided in the affirmative, ordered that the senate be informed thereof.

Mr. Vaughan from the committee of enrolled bills, reported that said committee had examined the following acts, viz.

An act to amend the several acts, relating to assessors and collectors of the public revenue.

An act to authorise justices of the peace to receive the acknowledgment and probate of deeds and relinquishments of dowers.

An act supplementary to an act, passed by the two houses of the general assembly, during their present session, entitled

An act, to provide for the organization and discipline of the militia of the state of Alabama, and

An act, entitled an act, to regulate the proceedings of the courts of law and equity in this state, and was instructed to report the same truly enrolled.

A message from the senate by Mr. Garth—  
Mr. Speaker ; The senate have passed an act, making appropriations for certain persons therein named—and continue in office the present trustees of school lands in Madison county ; to which they have made sundry amendments, to which they desire you to agree.

A message from the senate by Mr. Garth—  
Mr. Speaker : The senate have receded from their proposition to amend the bill regulating the rate of interest.

The house then took up the amendments made by the senate to an act supplementary to an act to regulate the proceedings of the courts of law and equity in this state.

Mr. Vaughan moved to amend the amendment of the senate ; which was carried in the affirmative—the ques-

tion being taken on concurring in the amendment as amended, it was decided in the affirmative.

Ordered, that the same be sent to the senate informing them thereof.

The house then took up the amendments made by the senate to the bill making appropriations to certain persons therein named, which was concurred in.

A message from the senate—Mr. Speaker: The senate have concurred in the amendment made by your honorable body, by adding an additional section to an act, supplementary to an act, regulating the proceedings of the courts of law and equity in this state; to which amendment, they have made an amendment, and desire your concurrence thereto.

The house proceeded to the consideration of the amendment made by the senate, to their amendment, to an act, supplementary to an act, regulating the proceedings of the courts of Law and equity in this state; which was concurred in.

Ordered, that the senate be informed thereof.

On motion of Mr. Murrell, ordered that this house adjourn until 3 o'clock this evening.

Three o'clock, Dec. 17, 1819.

The house met pursuant to adjournment.

A message from the Governor by Mr. Rogers—Mr. Speaker: I am instructed by the Governor to inform your honorable body, that he did on the 17th inst. approve and sign the following acts:

An act to regulate patrols, and for other purposes.

An act to provide for the discipline of the militia of this state.

An act to amend the several acts, regulating public ferries.

An act supplementary to act, passed during the present session, entitled an act to provide for the organization and discipline of the militia of this state

An act to regulate the proceedings of the courts of law and equity.

An act to amend the several laws relating to assessors and tax collectors.

And an act to authorise justices of the peace to receive the acknowledgment and probate of deeds, and relinquishment of dowers.

Mr. Vaughan moved that Mr. Jones have leave of absence for the balance of the session, which was decided in the affirmative.

Mr. Vaughan from the committee of enrolled bills, reported an act to authorise the laying off and cutting out, certain roads therein named.

And an act to fix the compensation of the members of the General Assembly, and for other purposes therein named, as truly enrolled.

A message from the senate by Mr. Garth—

Mr. Speaker: The senate have read a third time and passed, an act to continue in force certain laws, and for other purposes, to which they desire your concurrence.

The house took up said bill, and on motion of Mr. Birney, ordered that the same lie upon the table.

Mr. Lamkin moved that the resolution, preventing new matter being introduced this session, be suspended, which was decided in the negative.

A message from the senate by Mr. Chambers—

Mr. Speaker: The senate have passed a resolution presenting their thanks to James Monroe President of the United States &c. to which they desire you to agree.

Mr. Birney moved to amend said resolution, which was decided in the affirmative. And said resolution being read as amended, was concurred in.

Ordered, that the same be returned to the senate informing them thereof.

Mr. Vaughan from the committee of enrolled bills, reported the following acts as truly enrolled to wit:

An act supplementary to an act, regulating the proceedings of the courts of law and equity, passed the present session of the General Assembly.



An act to amend the several acts concerning the trial of slaves.

And an act to authorise the holding an election therein named.

An act to digest the laws of the state of Alabama.

An act making appropriations to certain persons therein named—and continuing in office the present trustees of school lands, in Madison county.

A message from the senate by Mr. Farmer—

Mr. Speaker: The senate have concurred in the amendment of your honorable body, to a resolution presenting thanks to James Monroe President of the United States.

Mr. Owen moved that this house take up the bill establishing a court of ordinary, which was decided in the negative.

Mr. Vaughan from the committee of enrolled bills, reported an act regulating the rate of interest, as truly enrolled.

A message from the senate—Mr. Speaker: The senate have concurred in the joint resolution, to adjourn the present General Assembly and have made an amendment thereto—stating the time and place of the next session thereof.

The house took up said amendment, which was concurred in.

Mr. Lamkin from the select committee appointed to wait on his excellency the governor, to inform him that the general assembly had gone through their business, and should adjourn to-day *sine die*, unless he had some other communications to make, reported that said committee had performed that service, and was informed by his excellency that he had nothing more to lay before them.

A message from the governor by Mr. Rogers—Mr. Speaker, I am instructed by the governor, to inform you, that he did on this day approve and sign the following acts, viz.